

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 117/95.

Dt. of Decision : 15-4-97.

Y. Harischandrudu

.. Applicant.

Vs

1. The Union of India, Rep.by its Secretary, Min. of Urban Development,
 2. The Director General of Works, CPWD, Nirman Bhavan, New Delhi.
 3. C.B. Lal, Director, CPWD, Nirman Bhavan, New Delhi.
 4. R.D.Gupta, Supdt. Engineer, Headquarters, North Zone, East Block, Level-III, RK Puram, New Delhi-66.
 5. S.S.Juneja, Arbitratory, Min.of Urban Development, Nirman Bhavan, New Delhi.
 6. A.K.Saksena, Supdt, Engineer, Yamuna Birdge Project, Circle, II, Ist Floor, MSO Building, New Delhi-2.
 7. K.E.Ayyer, Supdt.Engineer, Min.of Environment, New Delhi.
 8. S.B.Jahamb, Supdt. Engineer, Valuation, Piramul, Chambers, J.B.Road, Perley, Bombay-12.
 9. S.P.Banwait, Supdt.Engineer, Valuation, Bhopal, Plot No.2, Malwianagar, Bhopal-3.
 10. S.M.H. Prasad, Supdt. Engineer, M.S.O.Building, New Delhi-2.
- .. Respondents.

Counsel for the applicant : Mr.P.B.Vijaya Kumar

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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[Signature]

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.Pathru for Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant was initially appointed as Asst.Executive Engineer on 30/31-1-73. The applicant submits that he was promoted on regular basis as per his ^{old} seniority list in the grade of Executive Engineer to the grade of Supdt. Engineer w.e.f., 6-5-81 by proceedings dated 24-4-81. The applicant submits that he is due and eligible for promotion to the post of Chief Engineer. He further submits that his seniority in the list of Supdt. Engineer has been modified and that seniority list showed him below that of his juniors who are appointed to the cadre of Assistant Executive Engineer later than him.

3. The applicant had filed a representation dated 4-11-94 (Annexure-3) to show ^{his} seniority as per the directions of the Supreme Court in R.L.Bansal's case and as per the direction of the Principal Bench of this Tribunal in OA.1765/92 decided on 30-12-92. It is stated that the ^{representation} application is still pending. In the mean time the office order No.300 of 1994 dated 20-10-94 (Annexure-AI) was issued promoting some Executive Engineer as Supdt. Engineer.

4. This OA is filed for setting aside the office orders No. 300/94 ^{dt.20-10-94} and 301/94 whereby certain promotions to the post of SE ^{was} made and for a consequential direction to the respondents No.1 & 2 for restoration of seniority of the applicant to the original position of 210 viz., immediately after B.K.Biswas and on that basis consider his case for promotion to the post of CE (Civil) with all consequential benefits.


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5. A reply has been filed in this OA. The respondents submit that the seniority list of AEs and EEs in the CPWD were under litigation for ^{long} time and the seniority list of EEs and SEs were finalised on 20-10-94 after the judgement of the Apex Court in R.L.Bansal's case (1438/81 dt. 8-5-92) and in compliance with the direction of the Principal Bench of this Tribunal dated 9-6-94 in OA.1765/92. They further state that the applicant has been superseded ^{on account of} ~~on account of~~ better ~~seniority~~ ^{senior} record ^{secured} with higher position. In view of the development ^{with} his juniors ~~had~~ the applicant was shown at the appropriate place in the cadre of SE and his promotion to the post of CE will be considered on that basis.

6. ~~though~~ ^{Contexts} the applicant ^{submits that} the statement that he was superseded number of times due to his record is not in ^{good} ~~order~~ ^{in his favour} and ^{he has the same} ~~he~~ challenged in the OA itself. However from the OA we do not find any specific challenge to that effect. In any case the applicant has submitted a representation dated 4-11-94 (Annexure-3) for correction of his seniority in the cadre of SE. As that representation is still pending, the OA may ~~have to~~ be disposed of with a direction to R-2 to dispose of his representation dated 4-11-94 in accordance with law explaining the method of fixing the seniority. ^{The OA is disposed of as above accordingly.}

7. Time for compliance is two months from the date of receipt of a copy of this order.


8. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 15th April 1997.
(Dictated in the Open Court)

spr


29-4-97
D.R.G.

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Conv to:

1. The Secretary, Min. of Urban Development,
Nirman Bhawan, New Delhi.
2. The Director General of ~~Rxxxx~~Works, CPWD,
Nirman Bhawan, New Delhi.
3. Hyderabad: Mr. G. S. Srinivas Kumar, Advocate, CAT.
4. One copy to Mr. N. R. Desai, Sr. CGSC, CAT, Hyderabad.
5. One copy to D. R. (A), CAT, Hyderabad.
6. One duplicate copy.

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12/6/97
TYPED BY
COMPARED BY

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. R. NGARAJAN : M(A)

AND

THE HON'BLE SHRI B. S. JAI PARAMESHWAR :
M(J)

DATED: 15/10/97

ORDER/JUDGEMENT

R.A/C.P/M.A.No.

in

O.A. NO. 117/95

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

