

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 7.7.94.

OA 635/93 with
MA 125/94

NATHU LAL

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. C.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI RAJVIR SHARMA.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties. The applicant has prayed that he should be paid all benefits like seniority, wages, allowances of regular employee & arrears etc. and his name should be included in the order dated 28.10.88.

2. Prayer regarding inclusion of the applicant's name in the list of 28.10.88 cannot be considered now and the applicant cannot challenge the selection made in the year 1988.

3. The applicant's second contention is that the persons who were selected in the year 1988 are junior and he cannot be transferred, and the order of transfer dated 13.3.93 may be set aside. Unless we hold that the persons are junior, the transfer order cannot be interfered and the persons against whom the applicant wants relief cannot be declared junior to him in their absence. The applicant, in the course of the arguments, submitted that direction should be given for his regularisation from the date his juniors have been regularised. Again the question will be that who are the juniors and whether the persons selected in the year 1988 can be considered as junior or not. Such direction cannot be given. However, it is observed that looking to the past services of the applicant the respondents should consider the case of regularisation in accordance with law on the application which the applicant can move before the respondents.

4. The OA stands disposed of accordingly, with no order as to costs. MA also stands disposed of.

(C.P. SHAFFER)
MEMBER (A)

(D.L. MEHTA)
VICE CHAIRMAN