

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A. No. 377/93

Dt. of order: 1.7.1994

Birdhi Chand

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr. K. L. Thawani : Counsel for applicant

Mr. U. D. Sharma : Counsel for respondents

CORAM:

Hon'ble Mr. Justice D. L. Mehta, Vice Chairman

Hon'ble Mr. O. P. Sharma, Member (Adm.)

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

Heard the learned counsel for the parties and have perused the records. Admittedly the facts are that Shri Ratan Lal Verma was born on 5.10.1948 and joined in the services of the respondent on 17.2.1965. Applicant Birdhi Chand was born on 1.7.48 and his date of appointment has been shown as 29.10.64. Taking into consideration that no person can be appointed unless he attained the age of 18 years, the respondents have taken the view that his services should be counted from 1.7.66. Without going into the merits and demerits of the age factor, only on the basis of the admitted position, it is a clear case of discrimination and violation of Article 14 of the Constitution. The principles of experience and other benefits as applied to Shri Ratan Lal Verma should also be applied in the case of the applicant. The learned counsel for the respondents submits that in the case of Ratan Lal Verma, a mistake has been committed. We do not agree with the learned counsel for the respondents on this point. If he feels that a mistake has been committed, it was the duty of the respondents to initiate proceedings for the correction of the mistake. However, no action has been taken for correction of the mistake by the respondents. The learned counsel for the respondents further submits that Shri Ratan Lal Verma has been considered as senior to the applicant in the seniority list Annex. B-1. We would not like to pass any order except that the applicant's services should be counted from ~~1.10.64~~ <sup>the date he actually joined service</sup> if they continued to

count the services of Shri Ratanlal Verma from 17.3.65. In case the date of seniority of Shri Ratanlal Verma is revised then the applicant will also be entitled for revising his seniority in accordance with the provisions of law. However, it may be made it clear that Shri Ratanlal Verma will not be counted as senior <sup>to</sup> than the applicant. The period of experience of the applicant should be counted from the date of his appointment. The O.A. is disposed of accordingly with no order as to costs.

(O.P.Sharma)  
Member (A).

  
(D.L.Mehta)  
Vice Chairman.