

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 10/8/2001

OA No.228/1994

R.P.Gautam s/o Shri N.L.Gautam r/o 47- Ram Nagar, Hawa Sarai, Jaipur, presently Asstt. Engineer, Task Force Pural, O/o the General Manager, Telecom, Distt. Jaipur

..Applicant

Versus

1. Union of India through the Secretary Telecommunications, Ministry of Communication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecommunications, Rajasthan Telecom Circule, Sardar Patel Marg, Jaipur
3. Shri V.Natrajan, A.En. O/o the Director General Telecommunication, Sanchar Bhawan, New Delhi.

.. Respondents

Mr. K.S.Sharma, counsel for the applicant

Mr. Vijay Singh, proxy counsel to Mr. Bhanwar Bagri, counsel for respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, challenging two seniority lists dated 20.1.93 (Ann.A1) and 6.1.93 (Ann.A2). These seniority lists are for TES Group 'B' and are stated to have been issued in pursuance of Central Administrative Tribunal decisions. Grievance of the applicant is that he and respondent No.3, Shri V.Natrajan, were recruited in the year 1967 and the applicant was senior to Shri Natrajan, but vide the impugned orders, respondent No.3 has been made senior to the



applicant. His plea is that he was never communicated any adverse entry and there should be no reason for his junior getting promotion prior to him.

2. In the reply, the respondents have stated that though the applicant was senior to respondent No.3, in the DPC held in year 1981 the applicant was graded as 'Good' whereas respondent No.3 was graded as 'Very Good'. For this reason, respondent No.3 was placed in the select panel and the applicant could not find place. Consequently, the applicant has become junior to respondent No.3 in TES Group 'B'.

3. In the rejoinder to the reply filed by the respondents, the applicant while reiterating the stand taken in the OA submitted that in case he was/ found on equal footings with respondents No.3, his case should have been considered in the subsequent DPCs of the years 1982, 1983, 1984 and 1985, but the respondents are quite silent about these DPCs.

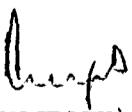
4. The learned counsel for the applicant urged that the DPC proceedings for the year 1981 may be perused by the Tribunal to determine whether the action of the respondents was in accordance with the rules and not arbitrary. The respondents produced the DPC proceedings for the year 1981 and ACRs of the applicant. They had also been directed to produce the ACR of respondent No.3. However, at the time of arguments, the learned counsel for the respondents stated that it has not been possible to receive ACR of respondent No.3 as he is posted in southern region.

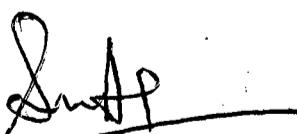
5. We have perused the DPC proceedings for the year 1981 and ACRs of the applicant. After perusing the ACR of the applicant for the relevant years, we do not find any infirmity in the assessment



made by the DPC in grading the applicant as 'Good'. Respondent No.3 has been shown just below the applicant and has been graded as 'Very Good'. We also find that the DPC recommended the names of those candidates to be placed in the select panel, who were graded as 'Very Good'. In that view, we do not find any infirmity in the action of the respondents. It is only because of this reason, respondent No.3 was placed in the select panel and promoted. Having been promoted earlier, he has to rank senior in the higher grade as an obvious consequence. We are not inclined to go into the issue raised by the applicant in the rejoinder that in the subsequent DPCs of the years 1982, 1983, 1984 and 1985, he should have been considered. In the OA he has only raised the plea of his seniority vis-a-vis respondent No.3 and for the reasons stated above, we find that he has no cause of grievance. The reliance placed by the learned counsel for the applicant on the decision of this Tribunal dated 26.5.2000 in OA No. 611/93 is of no help as that is on totally different facts. The learned counsel for the respondents has placed before us a copy of the letter dated 19.7.2001 written by the Deputy General Manager (Adm) Bharat Sanchar Nigam Limited to the D.G.M (Adm.), Jaipur mentioning therein that in pursuance of decision of Hon'ble the Supreme Court in Contempt Petition No. 121 of 1999 in Civil Appeal No. 4339 of 1995 and Civil Appeal Nos. 6485-6486/98, the seniority of the entire cadre has been revised by the Department and final seniority list has already been circulated to all concerned. Since that seniority list is not a matter of challenge before us, we have no comments to make.

6. In view of the discussions aforesaid, we dismiss this application as having no merits.


(A.P.NAGRATH)


(S.K.AGARWAL)