

In the Central Administrative Tribunal,
Jaipur Bench, Jaipur

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Date of Order : 12.7.2022

O.A. NO. 439/1998

Jeth Mal Chauhan Resident of Near House No. 4, Door Darshan
Relay Centre, Beawar. At present posted as Assistant
Engineer, Door Darshan Relay Centre, Beawar.

.....Applicant.

versus

1. Union of India through the Director General,
All India Radio, Akashwani Bhawan,
New Delhi - 110 001.
2. Director General, Door Darshan,
Mandi House, New Delhi - 110 001.

.....Respondents.

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C O R A M :

Honourable Mr. A.P. Nagrath
Administrative Member

Honourable Mr. J. K. Kaushik
Judicial Member

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Mr. Vinod Goyal, Advocate, proxy for Mr. Virendra Lodha,
Counsel for the applicant.

Mr. Vipin Kotia, Advocate, proxy for Mr. Gaurav Jain,
Counsel for the respondents.

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ORDER
(per Mr. A.P.Nagrath)

A panel for appointment and promotion to the post of Assistant Engineer in Junior Time Scale Rs. 2200-4000, was issued on 30.9.1997 (Annex. A/1). The applicant has come before us by challenging this order dated 30.9.1997 with a prayer that the respondents be directed to promote him from the date persons junior to him, have been promoted for the reason that the applicant claims seniority above Shri Anil Kumar Mishra.

2. The respondents have filed a detailed reply denying the claim of the applicant. They have raised an objection about the non-joinder of Shri Anil Kumar Mishra, as a necessary party, as the applicant has claimed seniority over Shri Mishra and any relief to the applicant will be to the detriment of Shri Anil Kumar Mishra. They have also stated that the applicant was not eligible to be considered for the vacancies of the year 1987 and that he has rightly been ignored.

3. We have perused the averments in the O.A. and the documents attached thereto. Though, the applicant has challenged his seniority and has claimed to be placed above Shri Anil Kumar Mishra, he has not taken care to attach any seniority list which could have been scrutinised by us. During the course of arguments also, the learned counsel on his behalf, was not able to bring to our notice as to how, the applicant has not been assigned correct seniority in the cadre. The only point which was stressed by the learned counsel was that, while making out the list of eligibility, even those, who have retired or expired by 1997, had also been considered against the said vacancies of 1987. In what



way, such an action had caused prejudice to the case of the applicant, has not been established. The respondents have taken a categorical plea that the list was required to be prepared including the names of those persons who were eligible for those years and not for the subsequent years. They have also stated that mere passing of a qualifying examination earlier, was not the governing criteria and the candidates were permitted three attempts to qualify. In another words, qualifying departmental examination by the applicant on 8.1.1986 and Shri Anil Kumar Mishra on 3.12.1987 would have no impact on their relative seniority. The main contention of the respondents which has been reiterated is, that the applicant was not eligible to be considered for the relevant year. Respondents also drew our attention to the decision of Chandigarh Bench of the Tribunal rendered in O.A. No. 391/PB/95 [Gurmej Singh Vs. Union of India & Others], decided on 3.1.2002, in order to support his contention that in a similar controversy, the plea of the applicant had been rejected. In that order, a reference has been made to the various judgements delivered by different Benches of the Tribunal.

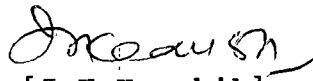
4. Apart from the decisions of the various Benches of this Tribunal in similar controversies, we find that in the instant case, the applicant has not even attempted to bring on record the seniority list of which he is aggrieved. If, the seniority list has remained in existence over the years, naturally, the applicant cannot challenge the same after a lapse of long time. As we have mentioned earlier, the applicant has also not been able to establish that he was eligible to be considered for the vacancies of the year 1987.

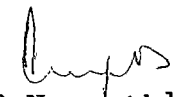


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In the light of all these circumstances, we find that the applicant has failed to make-out any case in his favour.

5. We, therefore, dismiss this Original Application as having no merits. No orders as to the costs.


[J.K.Kaushik]
Judl.Member


[A.P.Nagrath]
Adm. Member

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