

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

May kindly see  
Bench  
24/11/02

O.A. No. 47/2001  
T.A. No.

199

H.V.E  
J.W.  
24/11/02

DATE OF DECISION \_\_\_\_\_

Gopi Ram Bunker

Petitioner

Mr.P.N.Jatti

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Mr.L.N.Boss

Advocate for the Respondent (s)

**CORAM :**

**The Hon'ble Mr. JUSTICE G.L.GUPTA, VICE CHAIRMAN**

**The Hon'ble Mr. A.P.NAGRATH, ADM.MEMBER**

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(A.P.NAGRATH)  
MEMBER (A)

(G.L.GUPTA)  
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 20/11/2002

OA 47/2001

Gopi Ram Bunker, Chief Telephone Supervisor, CTO, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Deptt. of Telecom, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom Rajasthan Circle, Jaipur.
3. Principal General Manager, Telecom District, Jaipur.
4. Sub Divisional Engineer, Central Telegraph Office, Jaipur.
5. Shri Ghasi Lal, Chief Section Supervisor, CTO, Jaipur O/o PGM, Telecom District Jaipur.

... Respondents

CORAM:

HON'BLR MR.JUSTICE G.L.GUPTA, VICE CHAIRMAN

HON'BLR MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant ... Mr.P.N.Jatti

For the Respondents ... Mr.L.N.Boss

O R D E R

PER MR.A.P.NAGRATH

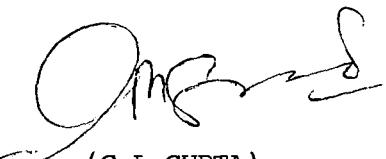
A gradation list of TOA (TG) was published on 31.5.99. In this gradation list the applicant has been shown junior to one Shri K.L.Narang. After having unsuccessfully represented against the said gradation list and after his representation against the same was rejected vide letter dated 25.10.2000, the applicant has filed this OA with the prayer that he being senior to Shri K.L.Narang be placed above him in the said gradation list. Said Shri Narang was made private respondent No.5 in the OA. During the pendency of this OA Shri Narang unfortunately expired. The applicant has made amendment in the OA and impleaded Shri Ghasi Lal as a private respondent, who was next junior to Shri Narang and who also has been shown senior to the applicant in the impugned gradation list.

2. Facts as per the applicant are that he was appointed as SRC earlier than Shri Narang and Shri Ghasi Lal. He was also given first promotion to LSG and later under BCR pay scale after 26 years of service earlier than the two above named, but suddenly he has been placed junior to those two persons.
3. Having seen the averments of the applicant and reply of the

respondents and having heard the learned counsel for the parties, we are clearly of the view that the applicant has attempted to mislead the Tribunal. He has not come before the Tribunal with clean hands. The respondents have stated that the applicant had all along been treated junior to Shri Narang and Shri Ghasi Lal and for this purpose they have placed before us the seniority list of SRCs corrected upto 1.1.77 and that of Telegraph Assistants as on 1.7.82. In the gradation list of SRCs, name of Shri Narang appears at S.No.74, Shri Ghasi Lal at S.No.75 and the applicant Gopi Ram Bunker at S.No.89. Similarly, in the gradation list of 1.7.82 name of Shri Narang appears at S.No.74, Shri Ghasi Lal at S.No.75 and the applicant at S.No.87. The learned counsel for the applicant, however, stressed on this point that the applicant had been appointed on 16.12.64, whereas Shri Ghasi Lal was appointed on 24.2.65. In this view, he emphasised that the applicant could not have been ranked junior to Shri Ghasi Lal. We are not impressed by this line of argument as the fact remains that the gradation lists of the years 1977 and 1982 have been in existence for a number of years and have not been challenged by the applicant at any stage. We do not consider it necessary to go into the reasons as to why the applicant, who was appointed earlier than Shri Ghasi Lal or Shri K.L.Narang, was shown junior to these two in the gradation list. There is not even an iota of doubt in our mind that the applicant has all along been considered junior to Shri K.L.Narang and Shri Ghasi Lal and he never raised any dispute earlier. By filing this OA he is obviously taking a chance to have himself placed above Shri Ghasi Lal. We are constrained to observe that this is a clear attempt of misleading the Tribunal. Having not assailed the gradation lists of 1977 and 1982 the applicant cannot make a grievance when the gradation list of 1999 has been issued. The impugned gradation list is exactly in conformity with the position which obtained earlier. This application is totally meritless.

4. We dismiss this OA as totally devoid of merit. We also deem it proper to impose a cost of Rs.500/- (Rs.five hundred only) on the applicant for his attempt to mislead the Tribunal and not coming up with facts with clean hands.

  
(A.P.NAGRATH)  
MEMBER (A)

  
(G.L.GUPTA)  
VICE CHAIRMAN