

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 329/2002

DATE OF ORDER: 08.17.2003

M.E.S. No. 192691, Shri Naresh Kumar Sharma son of Shri Onprakash Sharma, aged 44 years, MES Quarters No. P-27/1, I.T.U. Line, Near CSD Depot, Jaipur Cantt at present serving with Chief Engineer, Jaipur Zone, Jaipur.

..... Applicant.

VERSUS

1. Union of India through Defence Secretary, Raksha Bhawan, New Delhi.
2. Engineer in Chief, Army Headquarter, New Delhi.
3. Chief Engineer, H.Q., Southern Command, Pune.
4. Chief Engineer, Jaipur, Jaipur Zone, Jaipur.
5. Shri Shiv Ram Singh, LDC C/o GE (Army), Central Jodhpur.
6. Mr. H.S. Grover, LDC, C/o Chief Engineer, Jaipur Zone, Jaipur.

..... Respondents.

Mr. Balwinder Singh, Counsel for the applicant.

Ms. Shalini Sheoran, Proxy counsel for
Mr. Bhanwar Bagri, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. R.K. Upadhyaya, Member (Administrative)

ORDER

PER MR. JUSTICE G.L. GUPTA

The following reliefs had been claimed in this OA :-

"(i) By issuing the appropriate order or direction, the respondents may be directed to frame the revised seniority list of LDCs recruited on 04.11.1982 as per the merit position



obtained by them at the time of recruitment. The seniority list in respect of all the candidates recruited alongwith the applicant on 04.11.1982 should be cast on the basis of the merit list only.

(ii) That the respondent be further directed to assign the due seniority to the applicant as per his seniority position in the LDC panel in the year of 04.11.1982 in accordance with the directions given by this Hon'ble Tribunal and allow all consequential benefits including consideration of promotion to the post of UDC and fix the notional pay scale w.e.f. from the date of revised seniority.

(iii) Any other direction or orders may be passed in favour of the applicant which may be deemed just and proper under the circumstances of the case.

(iv) The cost of the original application may also be awarded."

2. Both the learned counsel state that vide order dated 18.4.2002, the applicant's seniority position in the cadre of LDC has been revised.

3. The learned counsel for the applicant submits that the applicant is entitled to consequential benefits, including fixation of notional pay from the date his juniors got promotion also but orders have not been issued in this regard.


4. When the stand of the applicant regarding seniority position has been found to be correct, it is desirable that respondents consider him for promotion to the post of UDC, in case any of his junior has been given promotion.

5. Learned counsel for the respondents in all fairness submits that the respondents should consider the case of the applicant for promotion for which direction may be given.



6. Consequently, this OA is disposed of with the directions to the respondents to consider the case of promotion of the applicant to the post of UDC from the date any of his junior has been given promotion. This exercise should be completed within a period of three months from the date of communication of his order. If the applicant is found fit for promotion, he should be granted the financial benefit also.

7. The applicant shall get cost of Rs. 1000/- from the respondents.


(R.K. UPADHYAYA)
MEMBER (A)


(G.L. GUPTA)
VICE CHAIRMAN