

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 301/2003

DATE OF ORDER: 24.09.2003

Jagdish Narain son of Shri Hiralal (aged 54 years resident of Opp. Gopal Ji Ki Talai, Dhani Kunavatan, Sanganeer, Jaipur. Working as Geophysical Workshop Assistant at Instrumentation Division, Western Region, G.S.I., Jaipur.

.... Applicant.

VERSUS

1. Union of India through Secretary Mines, Secretariat, New Delhi.
2. The Deputy Director General, Geological Survey of India, Western Region, Jhalana Doongari, Jaipur.

.... Respondents.

Mr. Rajendra Vaish, Counsel for the applicant.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)  
Hon'ble Mr. A.K. Ehandari, Member (Administrative)

ORDER (ORAL)

The applicant was initially appointed as Contingent Mechanic in the year 1972. Subsequently, the applicant applied for the post of Mechanic Geophysical Workshop and was called for the interview alongwith other persons vide letter dated 23.9.81. It is further averred that the interview was scheduled on 14.10.81. Pursuant to the said interview, the applicant was appointed as Mechanic Geophysical Workshop vide appointment order dated 30.10.1982 (Annexure A/2). Further case of the applicant is that respondents issued a seniority list vide letter dated 31.07.1984 whereby the name of the applicant appears at sl. no. 29 while his junior, Kulwant Singh, appears at sl. no. 30. The further channel for promotion from the post of Mechanic Geo Workshop was that of Geophysical Workshop Assistant. It is further averred that Junior Kulwant Singh was promoted from Mechanic to Assistant earlier to the applicant but the applicant was granted promotion to the said post in the year 1997. The applicant has further stated that he has continuously made representation to the respondent

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no. 2 for providing seniority and stepping up of <sup>pay</sup> his junior Shri Kulwant Singh. One of such representation has been placed on record at Annexure A/4. The applicant has also placed another representation dated 11.12.2002 (Annexure A/5) on record. The respondents vide order dated 23.04.2003 rejected the representations of the applicant. Feeling aggrieved by the said order, the applicant has filed this OA whereby praying that appropriate order or direction be issued to the respondents to step up his pay benefit qua his junior Shri Kulwant Singh and the impugned order dated 23.04.2003 (Annexure A/7) may be quashed and set aside. The applicant has further prayed that the respondents may be directed to modify the promotion of the applicant from the date his Junior Shri Kulwant Singh was promoted.

2. We have heard the learned counsel for the applicant and have gone through the material placed on record.

3. Although the applicant has stated that he had made repeated representations to the respondents for providing seniority and stepping up of pay benefit qua his junior Shri Kulwant Singh but the applicant has only placed on record representation dated 15.11.2002 (Annexure A/4) and 11.12.2002 (Annexure A/5). The respondents after considering the representations of the applicant, have rejected them vide order dated 23.4.2003 (Annexure A/7). The relevant portion is reproduced herein under:-


"...It is stated that as per the recommendations/merit of the Selection Committee for the post of Mechanic (GWS) Shri Kulwant Singh was placed senior to Shri Jagdish Narsin in the Regional gradation list of Mechanic (GWS) as on 01.08.1984 and the discrepancy in the provisional seniority list as on 31.07.84 of the said grade circulated by the CHQ, GSI, Kolkata was rectified in the regional seniority lists as on 01.3.84 and circulated subsequently by this office. As such, the promotion of Shri Kulwant Singh in the grade of Geophysical Workshop Assistant after regionalisation in GSI in 1986 through Departmental Promotion Committee from the grade of Mechanic (GWS) based on regional seniority list, is also in order."

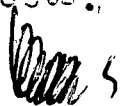
4. From the perusal of the order, as extracted above, it is quite evident that though the applicant was shown senior to one Shri Kulwant Singh in the provisional seniority list dated 31.07.1984 (Annexure A/3) but the said provisional seniority list was modified and final seniority list of Mechanic (GWS) as on 01.08.1984 was issued. From the perusal of the said order, it is <sup>quite</sup> evident that Shri Kulwant Singh was promoted in the higher grade of Geo-physical Workshop Assistant in the year 1986 through Departmental Promotion Committee from the grade of Mechanic post. The applicant has neither challenged the final seniority list as circulated vide letter dated 01.08.1984 nor he had challenged

the promotion order of Shri Kulwant Singh so-called junior to the post of Geophysical Workshop Assistant in the year 1986. As such, in the absence of any challenge to the seniority list dated 01.08.1984, and promotion order of Shri Kulwant Singh to the higher grade in the year 1986, no relief can be granted to the applicant. As already submitted above, <sup>though</sup> the applicant has submitted that he had made repeated representations but he has not placed any document on record to show that he has made any representation prior to making of the representations, Annexure A/4 & Annexure A/5, in the year 2002. As such this is a vague assertion without any supporting document, which cannot be accepted. Thus apart from merit, this OA is liable to be dismissed being belated claim, which cannot be raked up after lapse of about 19 years.

5. Yet for another reason, the present OA is liable to be dismissed. The applicant is claiming promotion over Shri Kulwant Singh, who was promoted in the year 1986 to the grade of Geophysical Workshop Assistant, ~~without~~ impleading such person as party. Even on this count also, the present OA is liable to be dismissed. It may also be added here that the applicant was granted promotion to the post of Geophysical Assistant in the year 1997. The applicant accepted that promotion for about five years and has ~~made~~ made grievance all of sudden now without any basis. Such action on the part of the applicant cannot be accepted. That apart, the applicant has not made even a single avowment in the OA on what basis the finding recorded in impugned order (Annexure A/7) is not sustainable.

6. For the reasons stated above, we are of the view that the applicant is not entitled to any relief. As such, the present OA is dismissed at admission stage with no order as to costs.

  
(A.K. BHANDARI)  
MEMBER (A)

  
(M.L. CHAIHAN)  
MEMBER (J)