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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

## FORM NO. 4

(See Rule 42)

## In The Central Administrative Tribunal

\*GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 72/2000

OF 199

Applicant(s)

Sri Maoraj Kaati Das.

Respondent(s)

Crisa of India and others.

Advocate for Applicant(s)

Mr. A. Ahmed.

Advocate for Respondent(s)

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
1. - 3 - 2000 Service of notices Prepared and sent to D. Section for issuing of the same to the Respondent through Regd. post with A.D. 2. Vide D.No. 635/6 640 Dtd - 1-3-2000.	18.2.2000 mk 25/2/2000	Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman and Hon'ble Mr. G.L. Sanglyine, Administrative Member.  Application is admitted. Issue usual notices. Returnable by 21.3.00. Records may be called for.  List on 21.3.00.  Member 60 Vice-Chairman
	21.3.2000 B.S. 25/3/2000	On the prayer of Mr B.S. Basumatary, learned Addl.C.G.S.C the case is adjourned to 25.4.2000 for filing written statement and further orders.

## Notes of the Registry

## Date

## Order of the Tribunal

Notice duly Served  
on R.No. 1, 2 &c.

25.4.2000

Two weeks time allowed for filing  
of written statement on the prayer of  
Mr A. Deb Roy, learned Sr.C.G.S.C.

List on 15.5.2000 for written state-  
ment and further orders.

6  
Member12-5-00

pg

15.5.00

Counsel for the applicant is not  
present. Sri B.S. Basumatary, learned  
Addl. C.G.S.C. prays time to file  
written statement.

List on 13.6.2000 for written  
statement and further orders.

7  
Member (J)

No. written statement  
has been filed.

trd

13.6.00

The learned counsel for the  
respondents Mr. B.C. Pathak request  
for two weeks time to file written  
statement. Time is allowed.

List on 28.6.00 for written  
statement and further orders.

Member (J)

No. wts has been filed

mk

28-6-00

There is no Bank today.  
Adjourned to 27-7-00.

870  
6m

27-7-00

There is no Bank adjourned  
to 31-8-00.

870

31-8-00

There is no Bank adjourned  
to 1-11-00.

1-11-00

1-11-00. No representation, List again  
on 2-11-00 By whom

## Notes of the Registry

## Date

## Order of the Tribunal

No. written statement has been filed.

28/11/2000.

2.11.00

Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

Four weeks further time is allowed for filing of written statement on the prayer of Mr B.S.Basumatary, learned Addl.C.G.S.C.

List on 29.11.2000 for order.

Vice-Chairman

pg

29.11.00

Written statement has been filed.

The case is ready for hearing.

List on 29.3.2001 for hearing. The applicant may file rejoinder, if any, within two weeks from today.

Vice-Chairman

① No. has been filed.  
② No. Rejoinder has been filed.

28.3.01

pg

29.3.01

On the prayer of Mr B.C.Pathak,

learned Addl.C.G.S.C the case is adjourned to 18.5.2001 for hearing.

I.C.Ulhaq

Member

Vice-Chairman

No. Rejoinder has been filed.

18.6.01

18.5.01

On the prayer of Mr. B.C.Pathak,

learned Addl. C.G.S.C. for the respondent the case is adjourned to 19.6.2001 for hearing.

I.C.Ulhaq

Member

Vice-Chairman

No. Rejoinder has been filed.

19.6.01

bb

19.6.01

made on behalf

On the request of Mr A.Ahmed who is away from the station in connection with treatment of his mother, the case is adjourned.

List on 9.7.01 for hearing.

K.M.Ulhaq

pg

Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
	9-7-01	<p>It has been stated by Mr.A.Ahmed that Mr. S.Ali, learned Sr. counsel is engaged by the applicant as a lead counsel and Mr.A.Ahmed therefore prays for adjournment of the case. The ground mentioned is not a good ground for adjournment and such prayer will not be entertained in future.</p> <p>However, the case is adjourned for today and ordered for listing on 14-8-2001 for hearing.</p> <p><i>IC Usha</i> Member</p> <p><i>Vice-Chairman</i></p>
<i>u/s has been filed.</i>  <i>BB</i> <i>13.8.01</i>	14.8.01	<p>We have heard learned counsel for the parties. Hearing concluded, judgment delivered in open Court, kept in separate sheets.</p> <p>The application is disposed of in terms of the order. No order as to costs.</p> <p><i>IC Usha</i> Member</p> <p><i>Vice-Chairman</i></p>
<i>Copy of the Judgment has been sent to the Office for issuing the same to the Appellants as well as to the Adverse for the Respondent</i> <i>BB</i>	bb	

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 72 of 2000.

Date of Decision 14.8.2001.

Sri Mahogukanti Das Petitioner(s)

Mr. A. Ahmed

- Versus -

Advocate for the  
Petitioner(s)

Union of India & Others Respondent(s)

Mr. B. C. Pathak, learned Addl. C. G. S. C

Advocate for the  
Respondent(s)

THE HON'BLE MR. JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN

THE HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble : Vice-Chairman.



X

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

**Original Application No. 72 of 2000.**

**Date of Order : This is the 14th Day of August, 2001.**

**HON'BLE MR. JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN.**

**HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER.**

Sri Manoj Kanti Das,  
Son of Late Mahendra Lal Das,  
Store Keeper,  
Central Ground Water Board,  
North Eastern Region,  
Tarun Nagar, Bye-lane No.1,  
Guwahati-5.

... **Applicant.**

By Advocate Mr. A. Ahmed

**- Vs -**

1. The Union of India  
represented by the Secretary to the  
Government of India  
Ministry of Water Resources  
Shram Shakti Bhawan  
New Delhi- 110001.
2. The Chairman,  
Central Ground Water Board  
Ministry of Water Resources  
Faridabad, Haryana, NH 4  
PIN-121001.
3. The Director, Administration  
Central Ground Water Board  
Ministry of Water Resources  
Faridabad, Haryana, NH 4  
PIN - 121001.
4. The Chief Engineer  
Central Ground Water Board  
Ministry of Water Resources  
Faridabad, Haryana, NH 4  
PIN- 121001.
5. The Administrative Officer  
Central Ground Water Board  
Ministry of Water Resources  
Faridabad, Haryana NH 4  
PIN - 121001.
6. The Regional Director  
Central Ground Water Board  
Tarun Nagar, Guwahati-5. ... **Respondents.**

By Mr. B.C.Pathak, learned Addl.C.G.S.C.

**ORDER**

**CHOWDHURY J.(V.C.) :**

We have heard Mr. S. Ali, learned counsel for the  
applicant and Mr. B.C.Pathak, learned C.G.S.C for the respondents.

The whole controversy raised in this application pertains to inter se seniority of the applicant in the rank of Store Keeper. In this application the applicant claimed that in the seniority list of 1984, his seniority was rightly determined, but in the subsequent seniority list prepared in 1999 his seniority has gone down and the persons who joined as Store Keeper later than him, namely, Sri Avdesh Pande and Baleshwar Mehto were shown above him. Since the above mentioned persons are not before us, we are not inclined to go into that question in this proceeding at this stage leaving the applicant to raise the issue before the authority by submitting a detailed representation.

2. The respondent Nos. 1 to 6, in their written statement, stated that since the applicant was confirmed later in point of time and his juniors who had been confirmed earlier to him, his seniority was determined on that basis. We find it difficult to accept the proposition that the date of confirmation is the guiding factor in determining the seniority in the absence of any rules to that effect. The length of service or the ranking given by the Departmental Promotional Committee (DPC) in the promotion is the guiding factor in determining the seniority. The respondents also mentioned that the applicant's case could not be confirmed in 1984 by the DPC, since he was not fit due to the adverse entries in C.R. for the year 1982 and 1983 respectively. His case was again considered by the DPC in 1985 and he was confirmed with effect from 1.4.84 as the currency of the penalty imposed upon him vide order dated 6.12.83 expired on 31.3.84.

3. The reasons cited above by the respondents for not confirming the applicant in 1984 for the alleged ground of penalty is not acceptable. Admittedly, the applicant

was imposed a penalty by order dated 6.12.82 withholding his next increment. The aforementioned penalty was imposed on the strength of the proceeding initiated vide letter dated 4.10.82. After considering his explanation, the respondents imposed the penalty by withholding his next increment for one year without cumulative effect. By virtue of the order, the increment of the applicant for the year 1983 was withheld. After withholding the increment for the year 1983, the punishment stands expired automatically on 6.12.83. The grounds assigned by the respondents that the penalty imposed was operative till 31.3.84, in this circumstance is not sustainable. The order of penalty itself mentioned that the same was for one year without cumulative effect. Therefore, the DPC which was held in 1984 could not but take his case for confirmation in 1984 instead of taking it in the year 1985. The applicant was not also informed about any of the adverse entries, if there was any. It is needless to state that the adverse entries also cannot be acted upon without communicating the same and giving an opportunity to the person concerned to stand his case.

4. For all the reasons, we are of the view that ends of justice will be met, if a direction is given to the applicant to submit a detailed representation before the authority. Accordingly, we direct the applicant to submit a detailed representation before the Director, Administration i.e. respondent No.3 narrating his grievance pertaining to refixation of the seniority within four weeks from today. If such representation is made, the respondents shall consider the same as per law and

pass a reasoned order preferably within three months of  
receipt/representation taking into consideration all the  
observations made in this order.

Subject to the observations made above, the  
application stands disposed of.

There shall, however, be no order as to costs.

K.K.Sharma

( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

D.N.Chowdhury

( D.N.CHOWDHURY )  
VICE CHAIRMAN

BB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1995)

ORIGINAL APPLICATION NO 72 OF 2000

Mr. M. K. Das .... .... Applicant

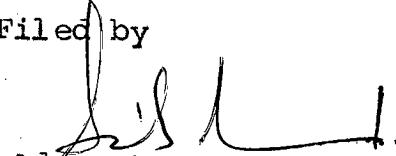
-Versus-

Union of India & Others ... .... Respondents.

I M D E X

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Filed by

  
Advocate

12  
Filed by  
Shri Manoj Kanti Das  
Advocate  
Hemang Basu  
(Adv. Atm. B.D.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 72 OF 2000.

BETWEEN

Sri Manoj Kanti Das,  
Son of Late Mahendra Lal Das,  
Store Keeper, Central Ground  
Water Board, North Eastern  
Region, Tarun Nagar, Bye-lane  
No.1, Guwahati-5.

... Applicant.

-AND-

1. The Union Of India, represented by the Secretary to the Government of India, Ministry of Water Resources, Shram Shakti Bhawan, New Delhi-110001.
2. The Chairman, Central Ground Water Board, Ministry of Water Resources, Faridabad, Haryana NH 4, PIN-121001.
3. The Director, Administration, Central Ground Water Board, Ministry of Water Resources, Faridabad, Haryana, NH 4, PIN-121001.

Manoj Kanti Das.

4. The Chief Engineer, Central Ground Water Board, Ministry of Water Resources, Faridabad, Haryana, NH 4, PIN-121001.

5. The Administrative Officer, Central Ground Water Board, Ministry of Water Resources, Faridabad, Haryana, NH 4, PIN-121001.

6. The Regional Director, Central Ground Water Board, Tarun Nagar, Guwahati-5.

Respondents.

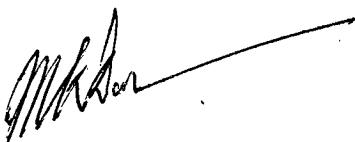
DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made for setting aside the impugned Draft Seniority List of Store Keeper, Central Ground Water Board as on 01-04-1999 and with a prayer to restore the seniority of the applicant as Store keeper above his Juniors.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the instant application is



within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

Facts of the case in brief are given below:

4.1 That your humble applicant is a citizen of India and as such, he is entitled to all the rights and privileges and protections guaranteed by the Constitution of India.

4.2. That your humble applicant begs to state that he joined in the Central ground water Board as storekeeper (direct recruit) on 26-04-76. Now he is serving as Storekeeper under the Regional Director, the Central ground water Board at Guwahati.

4.3. That your humble applicant begs to state that as per Departmental combine seniority list of Store keeper issued by the Central ground water Board dated 01-01-1984 the applicant's seniority position was in the serial No. 12.

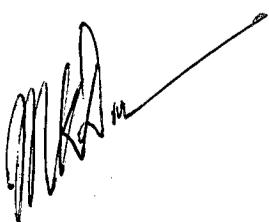


Annexure-A is the photocopy of the Seniority List of the Storekeeper/Store Superintendent, in the Central ground water Board on 01-01-1984.

4.4 That your applicant begs to state that in the year 1982 a Departmental proceeding was initiated against him due to a vigilance case. Minor punishment was imposed on him under the C.C.S. Rule 16 (CC&A) by which the applicant's increment in pay scale was withheld for a period of one year without cumulative effect from 06-12-82 vide Vigilance Sanction Order No. CGWB/367/81-Vig 483 dated 6-12-82. The punishment which was imposed on him expired automatically on 06-12-83.

Annexure-B is the photocopy of punishment order dated 06-12-82.

4.5 That the your applicant begs to state that till 01-03-1984 there were 17 permanent (substantive) Sanctioned posts of Storekeeper under the Central ground water Board. The sanction was granted by the Ministry of Water Resources vide its order dated 12-04-1965, 01-03-1971, 10-10-1972, 01-03-1980 and 01-03-1984. It may be stated that in spite of his best effort he could procure the copies of the above mentioned order issued by the Ministry. Therefore the Hon'ble Tribunal may be pleased to direct the Respondents to produce the copies of the sanction report for perusal of the Hon'ble Tribunal.

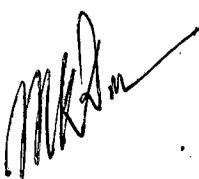


4.6 That your applicant begs to state that the confirmation in the post of Storekeeper of applicant was not considered on 1984 against six posts by the Department on 01-03-1980 due to adverse entries in the Confidential Report of the applicant but one post was kept vacant for applicant for further consideration.

4.7 That your applicant begs to state that when the D.P.C. was again held on 1985 to consider the case of the applicant for confirmation in the post of Storekeeper along with others but surprisingly the applicant's post as storekeeper was confirmed with effect from 01-04-1984 in stead of 01-03-1984. This was done with a plea that the penalty, which was imposed on the applicant by the Department, expired on 31-03-1984. But as a matter of fact the penalty, which was imposed on him on 06-12-1982, expired on 06-12-83, i.e., after one year.

4.8 That your applicant begs to state that on 04-02-1997 the Respondent No.5 informed the Respondent No.6 vide his letter No. 2267/76-Eng.(Esstt) that the seniority of the applicant as Storekeeper has been fixed correctly. There is no need to made any change.

Annexure-C is the photocopy of such letter dtd 04-02-1997 issued by the Respondent No.5.



4.9 That your applicant begs to state that being aggrieved by this your applicant approached this Hon'ble Tribunal by filing an Original Application No. 40 of 1998 against the impugned seniority list of storekeeper. The Hon'ble Tribunal on 06-03-1998 was pleased to direct your applicant to file a fresh representation before the authority giving details of his grievances regarding the seniority within 15 days from the date of order and also directed the Respondents to consider and dispose up the matter by the Respondents as early as possible at any rate within 3 (three) months from the date of receipt of this representation.

Annexure-D is the photocopy of order dated 06-03-98 passed in O.A. No. 40 of 1998.

4.10 That your applicant begs to state that he\* has submitted representation before the Respondents alongwith a copy of Hon'ble Tribunal's Order dated 6-3-98 and prayed for restoration of his seniority. But the authority turned down his prayer by passing a mechanical order vide Memo No.4-2267/76-Eng.(Esstt) dated 20-04-98.

Annexure-E is the photocopy of order dated 20-04-98.

4.11 That your applicant begs to state that on 01-04-1999 the Respondents have prepared another draft Seniority List of



Storekeeper of the Central ground water Board. Most surprisingly in the list the name of junior persons has been shown above the applicant and in the Office Memorandum of Seniority List of Storekeeper no mention has been made or causes are shown why the applicant's name appeared much below to his juniors. As such, finding no other alternative the applicant again approached this Hon'ble Tribunal for seeking justice.

Annexure-F is the photocopy of Impugned Seniority List of Storekeeper, Central Ground Water Board, 01-04-199.

4.12 That your applicant begs to state that now, most of the Juniors of the applicant are getting pay benefit and other seniority benefits but although the applicant being senior to them has been deprived from this.

4.13 That your applicant begs to state that your applicant is serving in this the Central ground water Board 1976 with best satisfaction to all concerned. Be it stated that if his Juniors by this time acquired eligibility for next promotion in the higher grade then they will further supersede your applicant in the matter of promotion and seniority. Therefore, immediate interference of the Hon'ble tribunal is required for the cause of justice.



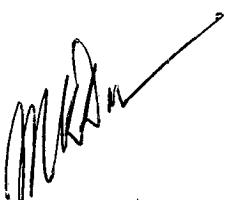
4.14 That your applicant submits that the Respondent had deliberately & intentionally discriminated the applicant by not giving his seniority. As such, it is a fit case for giving adequate direction to the Respondents by the Hon'ble Tribunal to restore the seniority of the applicant.

4.15 That your applicant submits that the action of the Respondents is mala fide, illegal and with a motive behind. As such, the applicant is compelled to approach this Hon'ble Tribunal again for seeking justice.

4.16 That your applicant submits before the Hon'ble Tribunal that the Respondents may be directed to produce all relevant records and documents for kind perusal of the Hon'ble Tribunal for fixing seniority of the applicant.

4.17 That your applicant submits that the action of the Respondents by which the applicant has been deprived of his legitimate rights is arbitrary. It is further stated that the Respondents have acted with a mala fide intention only to deprive the applicant from his legitimate rights.

4.18 That your applicant submits that the impugned seniority list of Storekeeper has been prepared by the Respondents is in violation of guide lines in fixation of seniority and as such the same is liable to be set aside and quashed.



4.19 That this application is filed bona fide and for the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, the action/inaction on the part of the Respondents are illegal arbitrary and violative of the principle of natural justice.

5.2 For that, the impugned Seniority list is illegal, arbitrary and violative of the principle of natural justice and as such it is liable to be set aside and quashed.

5.3 For that, the Respondents, particularly the Respondent No. 5 did not applied his mind properly in preparing the Seniority List and it appears to be bias and as such, in the Seniority list there has been serious miscarriage of justice and hence the Impugned Seniority List is liable set aside and quashed.

5.4 For that the Respondents havet, completely misconceived the facts and relevant guide lines in restoration, of seniority of the applicant and consequently come to an erroneous decision. As such, the Impugned Seniority list is liable to be set aside and quashed.



5.5 For that the applicant is victim of hostile discrimination and thereby the Respondents violated Articles 14 & 16 of the Constitution of India.

5.6 For that the Seniority List is prima facie illegal, unreasonable, arbitrary, without jurisdiction and as such the Seniority List is liable to be set aside and quashed.

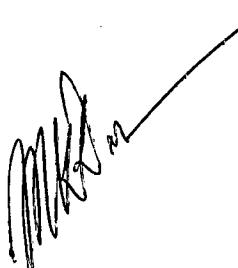
5.7 For the, in any view of the matter the action/ inaction of the respondents is not sustainable in law.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, nor any such application, writ petition or suit is pending before any of them.



8.

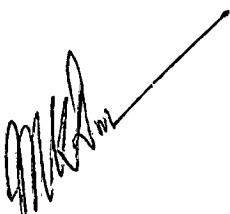
RELIEF SOUGHT FOR:

Under the facts and circumstances of the case applicant most respectfully prays that your Lordship may be pleased to admit this petition. Records may be called for and notices may be issued to the Respondents to show cause as to why the relief sought for in this application should not be granted and on perusal of the records and after hearing the parties or the cause or causes that may be shown the following reliefs to be granted:

8.1 To direct the Respondents to restore the Seniority of the applicants above his Juniors in the Select list of Storekeeper Central Ground Water Board.

8.2 That the applicant is to be declared Senior to his Juniors in next promotion and also for all purpose including monetary benefits.

8.3 To set aside and quashed the impugned seniority list of Storekeeper of the Central ground water Board dated 01-04-1999 and also prepare a fresh Seniority list showing the applicant's name above his juniors.



8.4 cost of the application.

8.4 to pass any other relief or reliefs to which the applicant may be entitled and as may be deem fit and proper by this Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

The applicant most respectfully prays for interim order from this Hon'ble Tribunal directing the Respondents not to give any further promotion from the impugned Seniority List of Storekeeper in the Central ground water Board dated 01-04-1999 till the disposal of the instant case.

10. Application Is Filed Through Advocate.

11. Particulars of I.P.O.:

I.P.O. NO. 6G453271

Date Of Issue 14.2.2000

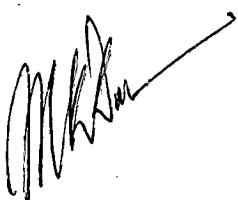
Issued from Guwahati

Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

.. Verification.



VERIFICATION

I, Sri Manoj Kanti Das, Son of Late Mahendra Lal Das, Store Keeper, Central Ground Water Board, North Eastern Region, Tarun Nagar, Bye-lane No.1, Guwahati-5 do hereby solemnly verify that the statements made in paragraphs 4.1 to 4.3, 4.5 to 4.7, 4.9, <sup>4.12, 4.13</sup> are true to my knowledge those made in paragraphs 4.4, 4.8, 4.10, 4.11 are being matters of records are true to my information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification today on this the 17th day of February, 2000 at Guwahati.

  
Manoj Kanti Das  
Declarant.

14

ANNEXURE-A

SENIORITY LIST OF STORE KEEPERS IN THE CENTRAL GROUND WATER BOARD  
AS ON 1.1.1984

Sr. No.	Name	Whether Pmt. or Q.P.	Whether S/C or S/T.	A) Date of Birth B) Qualification	Date of Ist Appointment in Central Govt. service	Date of Apptt. as Keeper	Whether Promotee or Appointee	Remarks		
								6.	7.	8.
1.	2.	3.	4.	5.						
1. S/ Shri	Mohd. Nizam Khan	Pmt. SK	Neither	A) 1.1.39 B) Matric	15.11.1965	Appointee as S. Keeper	15.1.65	Appointee	Offq. as Stores Supdt. w.e.f 21.2.78 (AN)	
2. Mohd. Hassan	-do-	-do-	-do-	A) 1.3.27 B) Matric	17.4.65	17.4.65	-do-	-do-	22.4.80.	
3. Hari Ram Kaistha	-do-	-do-	-do-	A) 15.2.29 B) Matric	28.3.68	28.3.68	-do-	-do-	29.4.80	
4. Briz Singh Rathore.	-do-	-do-	-do-	A) 9.1.42 B) Matric	30.4.69	30.4.69	-do-	-do-	20.6.80.	
5. Arrar Singh	-do-	-do-	-do-	S/C B) 20.7.52 B) High School	15.3.72	15.3.72	-do-	-do-	22.4.81.	
6. S.C. Srivastava	-do-	-do-	Neither	A) 15.7.45 B) High School	1.11.72	1.11.72	-do-	-do-	-	
7. B.S. Panpate	-do-	-do-	-do-	A) 10.7.50 B) B.Com.	13.12.72	13.12.72	-do-	-do-		
8. Shamandi Lal	-do-	S/C	-do-	A) 10.5.46 B) Metric	11.1.73	11.1.73	-do-	-do-	Offq. as Stores Supdt. w.e.f. 13.12.83.	
9. K. Basavapunnaiah	-do-	Neither	-do-	A) 1.7.49 B) S.S.L.C.	29.1.73	29.1.73	-do-	-do-	-	
10. Samir Kumar Basu	Q.P. SK	-do-	-do-	A) 3.1.46 B) B.A.	5.7.73	5.7.73	-do-	-do-		

Attested  
R.M. Adwani

...2/-

25

1.	2.	3.	4.	5.	6.	7.	8.	9.
S/Shri								
11. Purshottam Saran.	Temp. S/T. S.k.			A) 12.1.42 B) Matric.	7.5.74 as SK 7.5.74		Appointee	-
12. Manoj Kanti Dass.	-do-	Neither		A) 30.11.47 B) School Final.	26.4.76 -do- 26.4.76	-do-	-	-
13. Mool Chand.	Q.P. SK	S/C		A) 1.6.43 B) High School	24.5.76 -do- 24.5.76	-do-	-	-
14. Z.H. Zaidi	-do-	Neither		A) 1.1.50 B) B.Sc.	25.5.76 -do- 25.5.76	-do-	-	-
15. Inder Singh X	QP	LOC	-do-	A) 16.1.27 B) Matric.	18.8.73 as LOC 1.3.77	-do-	Ex.Serviceman	
16. Vijay Shankar	QP	ASK	-do-	A) 1.7.45 B) Matric	13.11.69 as 12.10.78 ASK on adhoc basis.	-do-	-	-
17. H.C. Jawa	Pmt.	ASK	-do-	A) 10.8.42 B) Matric	4.9.64 as Mate 17.11.79	Promotee	-	-
18. Ganga Mani Mishra	-do-	-do-	Expt	A) 1.10.44 B) Matric	9.4.66 as 17.11.79 Mate.	-do-	-	-
19. R.C. Sudan	-do-	-do-	Expt	A) 15.5.47 B) Matric	15.7.70 as 15.1.80 ASK	-do-	-	-
20. Baleshwar Mehta	Pmt. ASK		-do-	A) 29.1.47 B) Matric	7.11.69 as 1.5.80 ASK on adhoc 5.8.71 on regular basis	-do-	-	-
1. Govind Ram	-do-	-do-		A) 10.12.39 B) Matric	4.4.64 as Mate 17.11.79	-do-	-	-
2. S. Varghese	-do-	-do-		A) 1.6.43 B) S.S.L.C.	11.12.64 as -do- 17.11.79	-do-	-	-

Attest  
S. Varghese  
Adviser

- 16 -

- 3 -

6.

7.

8.

9.

1.  
2.

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4.  
5.

S/Shri

23. Avadesh Pandey Pmt. ASK Neither

A) 14.3.41  
B) Intermediate

15.2.72 as ASK 20.8.80 Promotee -

24. Lalit Lal  
Verma

Q.P. -do-  
ADCM

A) 10.10.45  
B) Matric

20.2.70 as 13.5.81  
A.D.C.M. Appointee -

\*satisfy  
2.4.81

*Akash*  
*Adarsh*

27

17-

Confidential

ANNEXURE - B

No.CGWB/1-367/81-vig.483  
Government of India  
Central Ground Water Board  
NH-IV, Faridabad (Haryana)

Dated:- 6/2/82

MEMORANDUM

With reference to his explanation dated 27.10.82 in reply to this office memorandum No.CGWB/1-367/81-vig.405-406 dated 4.10.82. Shri M.K.Das, Storekeeper, Central Ground Water Board, Div.VII, Gauhati, is informed that the undersigned has carefully considered the explanation and came to the conclusion that the charges that Shri M.K.Das has committed irregularities in the issue and receipt of tyres, less fuelled Gear oil, excess coil rope found in the store etc. have been proved beyond reasonable doubt. The undersigned, therefore, considers that the penalty of withholding of next increment for one year without cumulative effect should be imposed on Shri M.K.Das, Storekeeper.

The penalty of "withholding of next increment for one year without cumulative effect" is accordingly imposed on Shri M.K.Das, Storekeeper.

*Penalty & with*

(C.P.BANDA)  
SUPERINTENDING ENGINEER

TO

Shri M.K.Das,  
Storekeeper,  
Central Ground Water Board,  
Div.VII, Gauhati.

83

E.O.O.

Copy to:-

1. The Executive Engineer, CGWB, Div.VII, Gauhati. The attached memorandum meant for Shri M.K.Das, Storekeeper may please be delivered to him against his signed and dated acknowledgement which may please be sent to this office for record.

2. The Administrative Officer, CGWB, NH-IV, Faridabad placing the copy in his personal file.

3. C.R.Dossiers.

4. Guard file.

*Attested  
B.M.  
B.M.T.*

(C.P.BANDA)  
SUPERINTENDING ENGINEER

183

\*Satish\*  
26.11.1982.



No. 4-2267/76-Engg. (Estt)  
Government of India,  
Ministry of Water Resources,  
Headquarter Office,  
Central Ground Water Board,  
N.H-IV, Faridabad. (Haryana)

Dated the:-

To

4 FEB 1997

The Director,  
Central Ground Water Board,  
NER,  
Guwahati.

Sub:- Regarding change of seniority and promotion of  
Shri M.K.Das, Store Keeper to the post of Store Supdt.

Sir,

I am to refer to your letter No. 8433/PF/M-27/CGWB/NER/Estt/83 dated 24.12.96 on the subject cited above and to say that this office has already informed vide letter No. 4-2267/76-Engg. (Estt) dated 14.9.89 (copy attached) that seniority of Sh.M.K.Das, Store Keeper has been fixed correctly and there is no need to make any change. Regarding his promotion to the post of Store Supdt. he will be promoted on his turn. He may be informed accordingly.

Yours faithfully,

Encl:- As above.

Moh anLab  
( MOHAN LAL ) 4/2/97  
ADMINISTRATIVE OFFICER

VKSAINI  
310197

DDO / Estt pl.  
(Q) 12/02/97

12/02/97  
F.I. 12/02/97  
12/02/97

Attd  
G.S.  
A.S.  
A.S.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.40/98

Date of Order: This the 6th March, 1998.

HON'BLE JUSTICE MR D.N.BARUAH, VICE-CHAIRMAN  
HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

Shri Monoj Kanti Das,  
Son of Late Mohendra Lal Das,  
Store Keeper, Central Ground Water Board,  
North Eastern Region,  
Tarun Nagar, Eye Lane No.1.  
Guwahati-5.

By Advocate Mr.A.Ahmed.

-Vs-

- 1). Union of India  
represented by the  
Secretary, Ministry of  
Water Resources,  
Shram Shakti Bhawan,  
New Delhi-110001.
- 2) The Chairman, Central Ground Water Board,  
Ministry of Water Resources, Faridabad,  
Haryana N.H.IV  
PIN-121001.
- 3) The Director(Administration) Central  
Ground Water Board, Faridabad Haryana  
N.H.IV,PIN-121001.
- 4) The Chief Engineer  
Central Ground Water Board,  
Faridabad, Haryana N.H. IV  
PIN-121001.
- 5) The Administrative Officer, Central Water  
Board, Faridabad, Haryana N.H. IV,PIN-121001.
- 6) The Director,  
Central Ground Water Board,  
North Eastern Region,  
Tarun Nagar, Guwahati-5.
- 7) Shri H.C.Jawa, Store Keeper,  
C/O Director, Central Ground Water Board,  
Western Region, C-13-515, Highway  
Bani Park, Jaipur, Rajasthan,  
PIN-302016.
- 8) Shri Baleswar Mahto, Store Keeper,  
C/O Executive Engineer, Central Ground  
Water Board, Div-VIII 20 F, Gandhi Nagar,  
Extension Jammu J&K.
- 9) Shri G.K.Chamali, Store Keeper,  
C/O Executive Engineer, Central Ground Water Board,  
Division VI N.S. Building,  
Civil Lines Nagpur, Maharashtra,  
PIN-440001.

*Attnd  
Sd/-  
Subroto*

- 20 -

10) Shri S.Varghese, Store Keeper,  
C/O Executive Engineer, Division IV,  
Central Ground Water Board-35  
Vijayaraghava Road, T.N. Nagar,  
Madras 600016, Tamilnadu.

11) Avadeel. Pandey  
C/O Executive Engineer, Central Ground Water  
Board, Division No.V, Harno Housing Colony  
Ranchi.

By Advocate Mr.A.K.Choudhury, Addl.C.G.S.C.

Q B D E R

SARJAH.J (VC):

In this application the applicant has challenged the Annexure-4 Seniority List issued by the Government of India, Ministry of Water Resource dated 15th May, 1997. According to the applicant as per the said Seniority List his position has been shown in SL.No. 7. On the other hand respondents No. 7 to 11 are put in SL.No. 1 to 6 even though those respondents are junior to him. The applicant being aggrieved against the said submitted Seniority List/ Annexure 4-1 representation dated. 18-6-97. However, nothing was done. Hence this present application :

We have perused the same. Heard Mr.A. Ahmed learned counsel and also Mr.A.K.Choudhury, Addl.C.G.S.C. In Annexure 4 itself, it has been mentioned that if there is any discrepancy, the applicant may file a representation against the said seniority list. The seniority List does not show the reason why the applicant was pushed down to Sl.No.7 though he was senior.

Under the circumstances it is difficult for this Tribunal to decide the matter. We feel it to be expedient

contd/-

Appended  
11/11/1997  
Anita

34  
- 21 -

-2-

that if a representation is filed by the applicant giving details of his grievance regarding the seniority within 15 days from to-day, it shall be considered by the authority and dispose of the matter by a reasoned order as early as possible at any rate within three months from the date of receipt of this order. If the applicant is still aggrieved he may approach appropriate authority.

Considering the entire facts and circumstances of the case we make no order as to costs.

/

Sd/ VICECHAIRMAN  
Sd/ MEMBER (A)

LM

TRUE COPY

यतिलिखि

*Yashwant*  
31/3/98  
Central Administrative Tribunal  
राजीव गांधी भवन  
नवीन बाजार, दिल्ली-८  
पंडित जवाहर लाल नेहरू

*Affid  
Smt  
Adarsh*

*Yashwant*

ANNEXURE - B

22-

Speed Post

No.4-2267/76-Engg.(Estt)  
Government of India  
Ministry of Water Resources  
Headquarters Office,  
Central Ground Water Board  
NH IV, Faridabad (HARYANA).

Dated : 20 APR 1998

OFFICE MEMORANDUM

With reference to his representation dated 17.3.98 regarding restoration of seniority in the grade of Storekeeper, Sh. M. K. Das, Store Keeper is informed that he has already been informed of the complete position in this regard vide letter No.4-2267/76-Engg.Estt dated 14.9.89 and even number of dated 17.12.93 and 4.2.97. However copies of the same are again sent herewith for his ready reference. As his seniority has been correctly fixed as per Government instructions on the subject it does not require any change.

*Moh* *Lab*  
( MOHAN LAL ) *20/4/98*  
ADMINISTRATIVE OFFICER  
for Chief Engineer  
Central Ground Water Board  
Ministry of Water Resources  
NH IV, FARIDABAD (HARYANA)

To,

Sh. M. K. Das, Storekeeper,  
Central Ground Water Board,  
North Eastern Region,  
G U W A H A T I

*Personal copy  
of Sh. M. K. Das.*  
*Received on  
23/4/98*

*After 4  
D.S.  
Advocates*

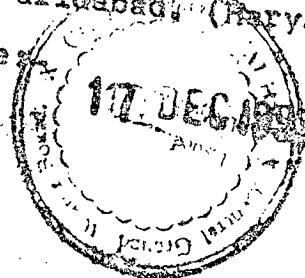
St. No. 95(1)

23-

162134

No. 4-2267/76-Engg. (Estt).  
Government of India,  
Ministry of Water Resources,  
Headquarter Office,  
Central Ground Water Board,  
N.H. IV, Faridabad (Haryana)

Dated the



To

The Director,  
Central Ground Water Board,  
NER, Guwahati.

Sub:-

Representation of Shri M.K. Das, Store Keeper in connection with restoration of ~~baner~~ senirotiy.

Sir,

I am to refer the representation of Shri M.K. Das, Store Keeper on the subject cited above received in this office vide your letter No. 913/DM/NER/Stores-295 dated 11.5.93 and subsequent reminders received through Chief Engineer & Member. On the scrutiny of the records it is observed that his case was duly considered alongwith others but due to adverse entries in the CRs he could not be confirmed as Store Keeper w.e.f. 1.3.84. Thereafter his case was again considered and was found fit by the next DPC and was declared permanent w.e.f. 1.4.84. Shri M.K. Das, Store Keeper may be informed accordingly.

Yours faithfully,

*S.S. CHAUHAN*  
S.S. CHAUHAN  
DIRECTOR (ADMINISTRATION).

9/12/93

*10/12/93*

VKSAINI  
09/12/93

*Atish  
DD  
Advocate*

—29—

Set No. 105 (1)

Q-1771  
OS

No. 4-2267/76-Engg. (Estt)  
Government of India,  
Ministry of Water Resources,  
Headquarter Office,  
Central Ground Water Board,  
N.H-IV, Faridabad. (Haryana)

Dated the:-

6 FEB 1997

To

The Director,  
Central Ground Water Board,  
NER,  
Guwahati.

Subj:- Regarding change of seniority and promotion of  
Shri M.K.Das, Store Keeper to the post of Store Supdt.

Sir,

I am to refer to your letter No. 8433/PF/M-27/CGWB/NER/Estt  
83 dated 24.12.96 on the subject cited above and to say that this  
office has already informed vide letter No. 4-2267/76-Engg. (Estt)  
dated 14.9.89 (copy attached) that seniority of Sh.M.K.Das, Sto  
Keeper has been fixed correctly and there is no need to make an  
change. Regarding his promotion to the post of Store Supdt. he  
will be promoted on his turn. He may be informed accordingly.

Yours faithfully,

Encl:- As above.

(M.L.)  
4/1/97

( MOHAN LAL )  
ADMINISTRATIVE OFFICER

31/2/97

VKSAINI  
310197

Attn:  
B. S. Bhawal

Sl. No. 83(1)

25-

129/5  
No. 4-2267/76-Estt.  
Government of India  
Central Ground Water Boa.  
NHIV, Faridabad, Haryana.

OFFICE MEMORANDUM

14 SEP 1989

With reference to his representation dated 14.7.86 and subsequent reminder dated 16.12.86 regarding his seniority in the grade of Store Keeper, Shri M.K.Das is informed that his confirmation case was considered by the D.P.C. during 1984, but he could not be confirmed based on his un-satisfactory reports for the year 1982 and 1983 respectively. His case was again considered by the D.P.C. in 1985 and he was confirmed w.e.f 1.4.84 as the currency of the penalty imposed on him vide Order No. CGWB-1/367/81-vig. 483 dated 6.12.83 expired on 31.3.84. As such he was confirmed w.e.f. 1.4.84. The persons who have been confirmed earlier to him would rank senior to him as per the guide-lines for fixation of seniority. His seniority has been fixed correctly.

Og. 12/9/89  
(J.B.P. Dubey)  
Director (Admin.)

To

??

Gyan Chaudhary  
Mr. Rakesh Kumar  
Anup M. Desai

Shri M.K.Das,  
Store Keeper,  
Central Ground Water Board,  
North Eastern Region,  
GUWAHATI.

Copy forwarded to the Director, Central Ground Water Board,  
NER Gwahati with reference to his letter No. 1714/PP/N-27/  
CGWB/NER/Estt.83 dated 22.7.86.

Og. 12/9/89  
(J.B.P. Dubey)  
Director (Admin.)

DSK/11/9/89

At std  
AS  
A. Shonib

W -

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26-

No. 6-17/94 Engg. estt  
Government of India  
Ministry of Water Resources  
Central Ground Water Board  
NH-IV, Faridabad (Haryana)

## ANNEXURE-F

33

DATE D: -

23 Jun 1948

1. The Regional Director  
Central Ground Water Board  
SER/WCR/NR/WP/GR/ER/NER/SR/NWR/SWR/NCR/KR/NCCR/NWHR/  
SECR&MER  
Bhubaneshwar/Ahmedabad/Lucknow/Jaipur/Nagpur/Calcutta/  
Guwahati/Hyderabad/Chandigarh/Bangalore/Dhoni/Trivendrum/  
Raipur/Jammu/Chennai & Patna.

2. The Executive Engineer  
Central Ground Water Board  
Division No.I/II/III/IV/V/VI/VII/VIII/IX/X/XI/XII/XIII/  
XIV/XV & XVI.  
Ahmedabad/Ambala/Varanasi/Chennai/Ranchi/Nagpur/Guwahati/  
Jammu/Hyderabad/Bhubaneshwar/Jodhpur/Dhoni/Raipur/  
Bangalore/Calcutta & Bareilly.

D.B.S. Bangalore/Calcutta & Bareilly.  
SUB:- Seniority List of Group- (Technical) staff as on 1.4.99.

Sir, I am to enclose herewith seniority list in respect of the following categories of Central Ground Water Board for circulation

### 1) Store Setup.

ii) Store Keeper

iiii  
m  
iv)

vi)

vi) It is requested that acknowledgement in the enclosed proforma may please be obtained from the concerned officers and sent to this office within a month from the receipt of the same.

In case of any discrepancy in the particulars it may please be intimated to this office within stipulated period failing which it will be presumed that they have nothing to say in the matter. Yours faithfully

yours faithfully

Moh awali 22/6/99  
(MOHAN LAL)  
ADMINISTRATIVE OFFICER

AS. SO. RAN  
22.6.99

99  
AO | East 9!  
Qd 28 | 6/95

*Attala  
MS. 1*

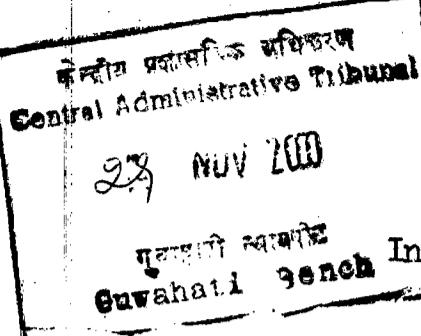
27-

CENTRAL GROUND WATER BOARD  
MINISTRY OF WATER RESOURCES.

DRAFT SENIORITY LIST OF STORE KEEPER AS ON 01.04.1999.

Pav Scale Rs.4000-100-6000

Sr. No.	Name of Employee	Qualifications.	Date of birth	Date of First appt.	Date of Appt. in Gr.	S/C S/T	Pmt. Temp	Appo. Prom.	Place of Posting
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
1.	S/Shri S.C.Srivastava	High School	15.07.1945	01.11.1972	01.11.1972	GN	P	A	NR
2.	Baleshwar Mehto	Matric	29.01.1947	07.11.1969	01.05.1980	GN	P	P	VIII
3.	S. Verghese	SSLC	01.06.1943	11.12.1964	17.11.1979	GN	P	P	IV
4.	Avdesh Pandey	Inter	14.03.1941	15.02.1972	20.08.1980	GN	P	P	V
5.	Manoj Kami Dass	Matric	30.11.1947	26.04.1976	26.04.1976	GN	P	A	NER
6.	Lalit Lal Verma	Matric	10.10.1946	20.02.1970	13.05.1981	GN	P	A	XI
7.	Mool Chand	High School	01.06.1943	24.05.1976	24.05.1976	SC	P	A	II
8.	R.Ramani	PUS	03.12.1950	10.12.1975	13.09.1986	GN	P	P	SWR
9.	U.N.Dobhal	High School	05.05.1950	25.01.1975	27.03.1986	GN	P	P	XII
10.	Manjeet Singh	B.A.D.M.M.	10.03.1946	05.04.1965	25.09.1985	GN	P	P	NWR
11.	Ishwar Zodape	PUS	01.07.1951	03.10.1978	22.10.1985	SC	P	P	VI
12.	U.S.Negi	Higher Secondary	05.10.1949	08.12.1971	30.09.1985	GN	P	P	III
13.	Shivaji Sah	Matric	12.01.1945	31.01.1975	25.09.1985	GN	P	P	XIV
14.	K.D.Singh	B.A.	15.01.1946	26.11.1971	26.12.1985	GN	P	P	ER
15.	Ram Narain Khalku	Matric	04.10.1950	02.05.1972	16.06.1986	ST	P	P	MER
16.	P.K.Zodape	SSC	23.11.1949	29.11.1973	19.06.1986	SC	P	P	CR
17.	R.L.Singh	High School	08.06.1952	03.11.1973	01.05.1987	GN	P	P	IX
18.	P.N.Mishra	B.A.Part I	01.10.1949	31.01.1975	13.09.1988	GN	P	P	X
19.	Sudhir Mohan Sharma	Higher Secondary	01.08.1946	01.03.1975	18.08.1988	GN	P	P	WR
20.	Sukh Dev Sharma	High School	02.01.1946	27.01.1975	11.05.1992	GN	P	P	XVI
21.	Kedar Nath Yadav.	High School	26.06.1953	15.03.1975	31.05.1994	GN	P	P	XV
22.	RaviKumar	Matric	15.03.1951	16.12.1975	17.07.1995	SC	P	P	WCR
23.	P.P.Sharma	Matric	08.07.1943	04.12.1972	05.09.1995	GN	P	P	NCCR
24.	Uttam Singh	Higher Secondary	25.12.1947	29.11.1975	14.08.1995	GN	P	P	NWHR
25.	Prem Dutt Dimri	High School	25.11.1948	01.01.1976	21.09.1995	GN	P	P	NCR
26.	T.K.Balakrishna	SSLC	15.04.1950	15.07.1976	27.07.1995	GN	P	P	SECR
27.	Shrimali Mann Bhai Magan Bhai	B.A.Part I Passed Wireman	03.04.1952	30.11.1976	17.07.1995	SC	P	P	I
28.	Kanshi Ram Das	B.A.	25.08.1946	14.04.1977	08.04.1996	SC	P	P	SEC
29.	Zahur-U-Rehman	Matric	05.02.1946	02.06.1975	23.04.1997	GN	P	P	SR
30.	S.K.Tapadar	Higher Secondary	11.05.1949	08.08.1977	23.02.1998	GN	P	P	VII



28/11/2000  
File by  
B. C. Pathak  
Central Adminstrative Tribunal  
Guwahati Bench, Guwahati

In the Central Administrative Tribunal  
Guwahati Bench at Guwahati.

Original Application No. 72/2000.

Shri Manoj Kanti Das.

..... Applicant.

-Versus-

Union of India and others.

..... Respondents.

(Written Statements for Respondents No. 1, 2, 3,  
4, 5 and 6 ).

The Written Statements of the abovenamed  
respondents are as follows :-

1. That the copy of the O.A. No. 72/2000 ( herein-after referred to as "application") has been served on the respondents. The respondents have gone through the contents of the application and understood the contents thereof. The interest of all the respondents being common and similar in this case, the common written statements are filed in the case.
2. That the statements made in the application, save and except those which are specifically admitted are hereby denied by the respondents.
3. That with regard to the statements made in para 1 of the application, the answering respondents state that the applicant has filed this application challenging

19/9  
Regional Director,  
Central Ground Water Board  
North Eastern Region  
Guwahati.

the seniority list of Store Keeper, as on 01.04.99 which was circulated by the respondents vide letter No. 6-17/99-Engg; Estt. dated 23.6.99 (Ann. F of OA). The applicant also prayed in the present application to restore his seniority above some other Store Keepers allegedly junior to him. In this regard the answering respondents have to say that as per guidelines issued in the above referred circular any discrepancy in the particulars of seniority in case of any employee in the grade of store keeper found, it should be intimated to the respondents within a stipulated period of one month from the receipt of the draft seniority list failing which it will be presumed that they have nothing to say in the matter. But, the applicant has neither represented to the appointing authority nor made any appeal to the appellate authority. He has directly filed this O.A. after a lapse of a period of 8 months which has been time barred in accordance with the said circular dated 23.6.99.

Replied

~~seniority list as in~~  
~~A copy of the circular dated 23.6.99 is also~~  
~~annexed as Annexure - R1.~~

4. That the respondents have no comments regarding the statements made in para 2, 3, 4.1 to 4.3 of the application, the respondents have no comments.

5. That with regard to the statements made in para 4.4 of the application, the respondents state that the averment made by the applicant that the penalty/punishment of withholding his increment imposed vide order No. CGWB/

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cumulative effect from 6.12.82 expired automatically on 6.12.83 is incorrect and hence it is denied. The applicant has ~~been~~ made wrong interpretation of the order of penalty in this O.A. and misguiding the Hon'ble CAT. In fact, it is clearly mentioned in the above penalty order that "The penalty of withholding of next increment for one year without cumulative effect should be imposed on Shri M.K. Das, Store Keeper." The date of next increment of respect of the applicant was 1.4.83. Hence, the penalty of withholding next increment became effective from 1.4.83 and expired on 31.3.84.

6. That with regard to the statements made in para 4.5 and 4.6 of the application, the respondents state that one post of Store Keeper was kept for him by the DPC held in 1984 for further consideration of his confirmation/ permanancy is not supported by any documentary proof and hence the same are denied.

7. That with regard to the statements made in para 4.7, the respondents state that the averments in this para are made on wrong interpretation of penalty order (Annexure-B of OA) (as explained ~~in~~ hereinabove) and hence denied. The fact is that the confirmation case of the applicant was considered by the D.P.C. held during 1984, but he could not be confirmed because he was not fit due to adverse entries in C.R. (un-satisfactory reports) for the year 1982 and 1983 respectively. His case was again considered by the D.P.C. in 1985 and he was confirmed w.e.f. 1.4.84 as the currency of the penalty imposed upon him vide order

No. CGWB-1/367/81-Vig-483 dated 6.12.83 expired on 31.3.84.

As such he was confirmed w.e.f. 1.4.84. The persons who have been found fit for confirmation earlier to the applicant would rank senior to him as per the guidelines for fixation of seniority. The above facts have already been intimated to the applicant vide Respondent Department letter No.4-2267/76-Engg. Estt dated 14.9.89 which may be referred to by the Hon'ble CAT at page No.25 of Annexure E of this OA.

8. That the answering respondents have no comments with regard to the statements made in para 4.8 of the application.

9. That with regard to the statements made in para 4.9 and 4.10, the respondents state that in order to challenge the seniority list issued on 15.5.97 by the Respondent Deptt. and restoration of his seniority above his juniors in the grade of Store Keeper the applicant, earlier, had filed O.A. No.40 of 98 in this Bench of the Hon'ble Tribunal. In O.A. 40/98, the order dated 6.3.98 (Annexure-D of present of O.A.) passed by this Bench of the Hon'ble Tribunal and direction issued is reproduced hereunder :-

"In Ann.-4 (O.A. of 98) itself, it has been mentioned that if there is any discrepancy, the applicant may file a representation against the said seniority list (of dated 15.5.97). The seniority list does not show the reason why the applicant was pushed down to Sl.No.7 though he was senior under the circumstances it is difficult for this Tribunal to decide the matter. We feel it to be expedient that if a representation is filed by the applicant giving details of

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his ~~xx~~ grievance regarding the seniority within 15 days from to day, it shall be considered by the authority and dispose of the matter by a reasoned order as early as possible at any rate within three months from the date of receipt of this order. If the applicant is still aggrieved he may approach appropriate authority.♦

As directed by the Hon'ble Tribunal, the applicant submitted a representation dated 17.3.98 (~~Annexure -R-1~~) in detail, to the Respondent Deptt. regarding restoration of his seniority in the grade of Store Keeper. This representation was examined by the answering respondents and it was reiterated vide this office letter No.4-2267/76-Engg. Estt. dated 20.4.98 (Ann-E/P-22 of this OA) that "he has already been informed of the complete position in this regard vide letter no. 4-2267/76-Engg-Estt. dated 14.9.89 (Ann-E/P-25 of this O.A) dated 17.12.93 (~~Annexure -R-2~~) and dated 4.2.97 (~~Annexure -R-3~~). However, copies of these letters were again sent to him and he has been informed that his seniority has been correctly fixed as per Govt. instructions on the subject, it did not required any change." After receipt of the satisfactory reply of the respondent deptt's above referred letter dated 20.4.98 (Annexure-E of this OA) alongwith copies of relevant letters issued on 14.9.89, 17.12.93 and 4.2.97, the applicant has not pointed out any discrepancy in the seniority list dated 15.5.97 till filing of this O.A., as such it is clear that the seniority issued by this deptt. on 15.5.97 is correct and there is no discrepancy in fixing the seniority of the applicant. The fresh seniority list issued on dated 23.6.99 is completely

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the applicant is now trying to get undue benefit by filing this application without any merit. The application is, therefore, liable to be dismissed with cost.

10. That with regard to the statements made in para 4.11, the respondents state that the statements are incorrect and therefore denied. The applicants had already been informed, comprehensively, vide respondent deptt's letter No. 4-2267/76-Engg-Estt dated 14.9.89 (as annexed at P-25, 23, 24 and 22 of Ann. E and Ann. C of this OA) that his case of confirmation was considered by the DPC during 1984, but he could not be confirmed due to his unsatisfactory reports/adverse entries in C.Rs for the year 1982 and 1983. His case was again considered by the DPC in 1985 and he was conformed w.e.f. 1.4.84 as the currency of the penalty imposed on him ~~w.e.f.~~ for withholding his next increment for a period of one year without cumulative effect from 1.4.83 expired on 31.3.84 (Ann. B of OA may be referred to ). Therefore, other Store Keepers who were junior to him and confirmed earlier w.e.f. 1.3.1984 ranked senior to him as per guidelines for fixation of seniority. In fact, there is no discrepancy in preparation of the seniority list of the applicant in any year in regards to the particular grade of Store Keeper. It is evident from the letter No. 6-17/99-Engg-Estt dated 23.6.99 vide which the seniority of Store Keeper as on 1.4.99 (Annexure F of this O.A. ) that every Store Keeper including the applicant had to represent within a period of one month of receipt of this seniority list to the Central HeadQuarter if there

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the applicant had not represented within the prescribed period. On the other hand, after a lapse of a period of about 8 months, he has filed this O.A. on false ground

~~to cover up his own lapses.  
Preferred The copy of the punishment order 6.12.82  
is annexed as Annexure R2.~~

11. That with regard to the statements made in para 4.12 and 4.13, the respondents state that the Junior Sote Keepers who ranked Senior being confirmed w.e.f. 1.3.84 became eligible for all consequential benefits viz. promotion, pay, seniority etc. on as per provisions of law and rules.

12. That with regard to the statements made in para 4.14 to 4.19 of the application, the respondents state that all these allegations/avertments are false and baseless. The respondents re-iterate and re-assert the foregoing statements made in this written statements.

13. That with regard to the statements made in para 5.1 to 5.7 of the application, the respondents state that the grounds shown are no ground in the eye of law particularly the cover the instant case. The respondents have shown as to how they acted bonafide under the provisions of law and nothing illegal has been done against the applicant. Under the law of equity, "Vigilantibus non dormantibus jura subservient", the applicant has to be blamed for his own inaction and as such no law can help him. The respondents also respectfully submit that the applicant has ill conceived the fact and misconceived the law. There is no inaction on the part of respondents, the action which taken

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by the respondents in this case is right and correct in the manner.

Since the applicant has been awarded upgradation of the Pay Scale Rs. 5000-150-8000 w.e.f. 9.8.99 under assured career advancement Scheme of the Govt. of India provided in terms of the instructions in DOPT OM No. 35034/1/97-Engg-Estt. dated 9.8.99, his pay is accordingly fixed in the Higher Grade, hence there is no grievance. (Annexure-R-4 and 5).

14. That with regard to the statements, made in para 6 & 7 of the application, the respondents state that the applicant is misleading the Hon'ble CAT by superressing the material facts. Before, filing this OA to challange the seniority list (Annexure -F of OA) the applicant knowing his lapses, instead of filing a representation directly filed a case in this Hon'ble Tribunal which was registered as O.A. No.40/98. This O.A. 40/98 was also on the same issues, same subject matter as in this instant O.A.. The O.A. 40/98 was disposed of by this Hon'ble Tribunal. Hence there is no fresh cause of action to file this instant O.A.

15. That with regard to the statements made in para 8.1 to 8.4 of the application, the respondents state that the applicant is not entitled to any relief whatsoever as prayed for. As the respondents have not violated any provisions of law and acted bonafide, the application being devoid of any merit, and hit by the provisions of res-judicata, is liable to be dismissed with cost.

  
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16. That the respondents craves the leave of this Hon'ble Tribunal to allow them to rely upon and refer to any such Government circular, rules and law at the time of hearing the case. The respondents may also be permitted to file any such additional written statements etc. if so warranted in due course before hearing of the case.

In the premises aforesaid, the respondents respectfully pray that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application (O.A. 72/2000) with cost. and/or pass such further order that Your Lordships may deem fit and proper.

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Verification..... 10

VERIFICATION

I, Shri M. Mehta, S/o ~~late~~ Sh. P. S. Mehta, presently working as the Regional Director, NER, CGWB being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 1 to 16 \_\_\_\_\_ are true to my knowledge and belief, those made in para ~~1 to 16~~ N \_\_\_\_\_ being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not concealed anything from this Hon'ble Tribunal.

And I sign this verification on this 19<sup>th</sup> day of Sept 2000 at Guwahati.

Deponent,

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*Mehta*

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