

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : GWALIOR

Original Application No.1060 of 2004

Gwalior, this the 12th day of September, 2005

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri Madan Mohan - Judicial Member

Pahad Singh Rajput, S/o Shri Dhan Singh,
Date of Birth 10.10.1953, PGT (Maths),
Jawahar Navoday Vidhyalaya, Panghata,
Narwar, District Shivpuri (M.P.)

- APPLICANT

(By Advocate - Shri S.Paul)

Versus

1. Union of India, Through its Secretary,
Ministry of Human Resources & Development
(Education Deptt), New Delhi.
2. Deputy Director, Navoday Vidhyalaya Samiti,
Department of Secondary Education & Higher Education,
Govt. of India, Indira Gandhi Stadium, IP Estate,
New Delhi-110002.
3. Commissioner, Navoday Vidhyalaya Samiti,
Department of Secondary Education & Higher Education,
Govt. of India, Indira Gandhi Stadium, IP Estate,
New Delhi-110002.
4. Principal, Jawahar Navoday Vidhyalaya, Panghata,
Narwar, District Shivpuri (M.P.)

- RESPONDENTS

(By Advocate - Shri Gaurav Samadhiya for Shri V.K.Sharma)

O R D E R (Oral)

By M.P.Singh, Vice Chairman -

By filing this Original Application, the applicant
has claimed the following main reliefs :-

"7.(ii) Upon holding the inaction of the applicant(sic)
in not granting the seniority to the applicant from
the date of his appointment as PGT in the parent
department is bad in law, command the dept. to grant
seniority as PGT w.e.f. 20.10.1989 with all conse-
quential benefits.

In alternatively

(iii) Command the respondent to grant seniority to
the applicant from the date 12.8.1991 the date when
he came on deputation to the present department,
with all consequential benefits".

2. The brief facts of the case are that the applicant

was initially appointed on 3.1.1983 as Trained Graduate

Teacher in Government Higher Secondary School, Khanda (UP).

He was promoted to the post of Lecturer(Maths) which is a post

of Post Graduate Teacher on 20.10.1989. On 2.8.1991, the applicant was appointed in Jawahar Navoday Vidhyalaya, Panghat, Narwar, District Shivpuri, in the pay scale of Rs.1640-2900. The applicant has been continuously working on deputation in Jawahar Navoday Vidhyalaya, and he has been absorbed on the post with effect from 1.4.1994 vide order dated 30.12.2003 (Annexure-A-2).

3. The grievance of the applicant is that ^{the seniority} has not been properly assigned to him in the grade of PGT as per rules. Hence he has filed this Original Application.

4. The respondents in their reply have stated that the present application is premature because the respondents have issued the tentative seniority list, to which the applicant has remedy of submitting further objections in accordance with rules.

5. Heard the learned counsel of parties and perused the pleadings. We have also given careful consideration to the arguments advanced on behalf of both the sides.

6. We find that the applicant, who was appointed in the Jawahar Navodaya Vidhyalaya on deputation, has been finally absorbed in the year 2003 in the grade of PGT, and the effective date of absorption of the applicant is 1.4.1994. Since the respondents in their reply have submitted that they have issued a tentative seniority list to which the applicant has remedy of submitting further objections, this OA can be disposed of by granting liberty to the applicant to make a representation to the respondents, if proper seniority has not been granted to him. The learned counsel for the applicant has submitted that the applicant has not been supplied with a copy of the tentative seniority list.

7. Accordingly, this OA is disposed of with a direction to the respondents to supply a copy of the tentative seniority

list in the grade of PGT to the applicant within four weeks from the date of receipt of a copy of this order. On receipt of the copy of the tentative seniority list, the applicant can make a representation within two weeks from the date of receipt of the tentative seniority list, if due seniority is not granted to him. If the applicant complies with the above direction, the respondents are directed to take a decision on his representation and pass a reasoned, speaking and detailed order within a period of three months from the date of receipt of the representation of the applicant, No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

rkv.

पूरांकन सं ओ/न्या.....जयलपुर, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय कार हाउसिंग, जयलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल
- (4) कोषपाल, कोषाल, जयलपुर.....सूचना एवं आवेदक काउंसली से

उप सचिव

S. Paul B.N. D.V.
V.K. Sharma
15-9-05 B.N. D.V.

16-9-05