

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
CIRCUIT CAMP : INDORE

Original Application No.818 of 2004

Indore, this the 17th day of October, 2005

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

Omprakash Yadav, S/o late Shri Manishanker Yadav,  
Age about 60 years, Occupation - Service,  
R/o 2335, Lunia Pura, MHOW

- APPLICANT

(By Advocate - Shri R.Saxena)

Versus

1. Through the Secretary, Union of India,  
Ministry of Defence, New Delhi.
2. Chief Engineer, Central Command, Lucknow.
3. Zonal Chief Engineer, Jabalpur Zone,  
Bhagat Marg, Jabalpur.
4. Headquarter Commander, Works Engineer,  
Ashok Path, MHOW (M.P.).
5. Garrison Engineer (South), Bercha Road,  
MHOW (M.P.).
6. Hariram, Age about 60 years, C/o Garrison  
Engineer(South), Bercha Road, MHOW (M.P.) - RESPONDENTS

(By Advocate- Shri U.Gajankush)

ORDER (Oral)

By M.P.Singh, Vice Chairman,-

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

"6(a)..quash the promotion order Annexure 01 and  
also quashed the list of Selection panel list  
Annexure 04.

(b)..direct the respondent to consider his case as a  
fresh on merit, and further direct that, if the  
applicant is retire due to age of superannuation,  
the respondent provided to all consequential  
benefits to the applicant as per the service law

(b)(i)..direct the respondents to consider his case  
as a fresh on merit, and further direct the  
respondents to provide all consequential benefits  
to the applicant as per the service law, after  
retirement".

2. The brief facts of the case are that the applicant,  
was initially appointed as a Store man on 26.2.1971. He

*[Signature]* passed the departmental examination in the year 1985 and was

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promoted on the post of Store Keeper Grade-I from 19.7.1999. The respondent no.2 published a seniority list of Store Keeper Grade-I for their further promotion to the post of Supervisor Grade II (B.S.Grade II) on 25.6.2003(Annexure-A-3). In the said seniority list, the name of the applicant is placed at serial no.29 whereas the name of respondent no.6 Hariram is placed at serial no.34. The respondent no.6 has been promoted to the post of Supervisor Grade-II vide order dated 19.3.2004, whereas the applicant has not been promoted, though he is senior to the respondent no.6 as per the above seniority list. Hence this Original Application.

3. The learned counsel for the official respondents has submitted that the seniority list dated 25.6.2003 (Annexure-A-3) was sent to the headquarters office and that has undergone a change. As per the revised seniority list (copy of which has not been annexed by the respondents) the applicant has been shown at serial no.27 whereas the respondent no.6 has been shown at serial no.20. Since as per this revised seniority list, the applicant has become junior to respondent no.6, he was not included in the selection panel and, therefore, he was not appointed to the next higher grade.

4. We have given careful consideration to the rival contention and we find that as per the submission made by the learned counsel for the respondents the seniority list dated 25.6.2003 has undergone a change, in which the applicant has been shown junior to private-respondent no.6. This list has not been circulated to the applicant and objections have not been invited. Thus, an opportunity of hearing has not been given to the applicant. We, therefore, find that the principle of natural justice have not been followed by the respondents while issuing Annexure-A-1 and promoting respondent no.6.

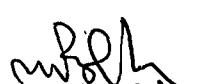
5. In view of the above discussions, we quash the order dated 19.3.2004, so far as it relates to promotion of

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respondent no.6. We direct the official respondents to circulate the seniority list to all concerned and finalize the same after inviting objections from the concerned persons. The respondents should consider the promotion of the applicant as well as private-respondent no.6 only after finalization of that seniority list. The respondents are directed to comply with the above directions within a period of six months from the date of receipt of a copy of this order. The OA is disposed of in the above terms. No costs.

Received  
B.P.  
20.6.05  
Cashed  
4th June 2005  
20.6.05

  
(Madan Mohan)  
Judicial Member

  
(M.P.Singh)  
Vice Chairman

rkv.