

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 113 of 1999

Jabalpur, this the 17th day of June, 2003

Hon'ble Shri D.C. Verma-Vice Chairman (Judicial)  
Hon'ble Shri Anand Kumar Bhatt-Administrative Member

Q.A. Qureshi, son of late Abdul Rahim Qureshi,  
aged about 60 years, Retired Section  
Supervisor (O) Telegraph Office Jabalpur,  
R/o Uprenanj, Ganj, Jabalpur (MP).

- Applicant

(By Advocate - Shri S.K. Garg)

Versus

1. Union of India, Through Ministry of  
Tele-Communication, Door Sanchar,  
New Delhi.
2. Chief Zonal Manager (T), Telecom, Sanchar  
Bhawan MP (Circle), Bhopal.
3. General Manager (T) Door Sanchar, Jabalpur (MP).

4. Senior Superintendent Telegraph Traffic,  
Jabalpur Division, Jabalpur

- Respondents

(By Advocate - None)

Oral Order

By D.C. Verma, Vice Chairman (Judicial)-

The applicant has, by this O.A., claimed consideration of his promotion to the post of Senior Supervisor with retrospective effect along with his juniors.

2. The brief facts, as stated in the O.A., are that the applicant was appointed in the Department of Telecom, in the year 1955. As per gradation list issued in the year 1975 the applicant's name appeared at serial number 27 whereas the names of Shri B.N. Kothale and Shri R.D. Gupta appeared at serial numbers 28 and 29 respectively. These two persons were subsequently promoted to the post of Senior Supervisor. The applicant's name was not considered for promotion to the said post. Hence the present O.A..

3. The respondents have, in their reply, stated that the applicant was initially appointed as a Boy Peon on 7.3.1955 and thereafter he was promoted as Signal Room Clerk


Contd.....2/-

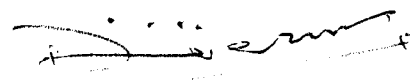
on 14.3.1961. In the seniority list issued in the year 1986 the names of Shri B.N.Kothale and Shri R.D.Gupta appeared at serial numbers 26 and 28 respectively, whereas the name of the applicant was at serial number 50. A copy of the gradation list has been annexed as Annexure-R-2.

4. The learned counsel for the applicant submitted that in the seniority list issued in the year 1975 the applicant was senior to Shri B.N.Kothale and Shri R.D.Gupta but the respondents while issuing the seniority list in 1986 placed the applicant at serial number 50 i.e. much junior to Shri B.N.Kothale and Shri R.D.Gupta. Though, it is submitted Shri B.N.Kothale and Shri R.D.Gupta were promoted to the post of Senior Supervisor the applicant's name was not considered.

5. After hearing the learned counsel for the applicant and going through the pleadings on record we are of the view that the O.A. has no merit and is to be dismissed. The applicant actually challenges the seniority list of the year 1986 wherein the name of the applicant appeared at serial no. 50 and name of the two persons, namely Shri B.N.Kothale and Shri R.D.Gupta appeared at serial numbers 26 and 28 respectively. If the applicant had any grievance against the gradation list of 26th September, 1986, it was opened to him to challenge the said gradation list in the year 1986 or within a reasonable time thereafter. The same cannot be challenged by filing this OA in the year 1999. During the course of argument, the learned counsel submitted that the applicant has now retired but promotion would give benefit to applicant's pension, hence a direction be given to consider the applicant's promotion with retrospective date. In our view, however, no such direction can be given. One of the persons, namely, Shri B.N.Kothale, who according to the applicant was junior to the applicant, retired on 31.7.1986 and his position cannot be challenged at this stage. Many more persons must have been promoted and retired.

Any change of position due to consideration of applicant's name after lapse of more than one decade is bound to unsettle the settled position. This cannot be permitted now. In this connection reference may be made to the decision of the Apex Court in the case of B.S. Bajwa Vs. State of Punjab, 1998 SCC (L&S) 611 wherein it has been held that seniority issue should not be reopened after a reasonable period because the result would disturb the settled position. Accordingly, this O.A. deserves to be dismissed and is dismissed. Costs easy.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman (Judicial)

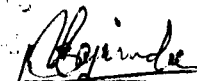
rkv.

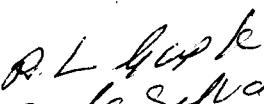
पृष्ठवृत्त से ओ/ज्या.....जलपुर, दि.....

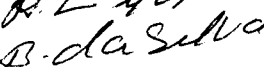
पुलितिलिपि अगस्त २००७


- (1) सचिव, अगस्त २००७
- (2) आवेदन प्रो/२००७
- (3) प्रत्यक्षी प्रो/२००७
- (4) वर्यपाल, अगस्त २००७

सूचना एवं आवश्यकता के अनुसार

  
उप-रजिस्ट्रार

  
P.L. Gupta

  
B. da Silva

  
20/6/07