

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

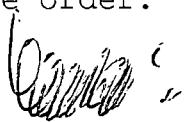
4.3.2008

OA 365/2006 with MA 40/2008

Mr. Rajendra Vaish, counsel for applicant.
Mr. Hemant Mathur, counsel for respondents.

Heard the learned counsel for the parties.
The OA stands disposed of by a separate order.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 4th day of March, 2008

ORIGINAL APPLICATION NO.365/2006

WITH

MISC. APPLICATION NO.40/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Tara Chand Bairwa,
LDC in GSI,
Western Region,
Jaipur.

... Applicant
(By Advocate : Shri Rajendra Vaish)

Versus

1. Union of India
Geological Survey of India
Through Deputy Director General,
Western Region,
O/o Geological Survey of India,
Jhalana Doongri,
Jaipur.
2. Shri Suwa Lal Verma,
LDC,
Geological Survey of India,
Western Region,
Jaipur.
3. Shri Kishan Singh Solanki,
LDC,
Geological Survey of India,
Western Region,
Jaipur.
4. Shri Mohan Chandra Pant,
LDC,
Geological Survey of India,
Western Region,
Jaipur.

... Respondents

(By Advocate : Shri Hemant Mathur)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :

- "1. By an appropriate order or direction the impugned order dated 11.8.2005 (Ann.A/1) and seniority dated 19.6.2001 (Ann.A/2) alongwith provisional seniority list dated 27.2.97 for LDCs and any such similar seniority if released before or after the representations may kindly be quashed and set aside and the applicant may be placed at Serial No.14A in seniority Annexure A/2 instead of Serial No.25 and to maintain the seniority of the applicant qua the private respondents showing the applicant senior to the private respondents.
2. By a further appropriate order or direction the respondents be further directed to consider the candidature of the applicant for promotion to the post of UDC and promote the applicant at least from the date their immediate juniors i.e. private respondents have been benefited from the further seniority of the applicant as UDC be maintained as senior to the private contingent workers i.e. the private respondents."

2. Briefly stated, facts of the case are that the applicant had earlier filed an OA (No.284/2001) thereby praying for quashing of the provisional seniority list for LDCs dated 27.2.1997 and assailing the order dated 19.6.2001. The contention of the applicant in the earlier OA was that the matter is squarely covered by the decision rendered by this Tribunal in the case of Ram Niwas Arya v. Union of India & Others (OA 534/1997), decided on 11.4.2001. This Tribunal, vide order dated 18.5.2005, disposed of OA 284/2001 with a direction to the respondents to pass a reasoned and speaking order on the representation of the applicant within a period of three months. Pursuant to the said decision rendered by this Tribunal, representation of the applicant was disposed of vide order dated 11.8.2005, in which it was stated that since D.B.Writ Petition No.3593/2001 is pending before the Hon'ble High Court and the Hon'ble High Court has directed the parties to

maintain status-quo till disposal of the writ petition, as such, representation of the applicant cannot be decided. It is this order which is under challenge in the present OA as Ann.A/1, alongwith the order dated 19.6.2001 (Ann.A/2), whereby benefit of seniority passed on the basis of judgement rendered by this Tribunal in the case of Ram Niwas Arya was given only to two persons and not the applicant, who was similarly situated.

3. Learned counsel for the respondents has filed MA 40/2008 thereby placing on record a copy of the judgement dated 19.9.2007, whereby writ petition filed by the private respondents against the earlier OA has been dismissed and the judgement of this Tribunal passed in the case of Ram Niwas Arya has been upheld.

4. In view of this subsequent development, the order dated 11.8.2005 (Ann.A/1) does not survive. Accordingly, the respondents are directed to implement the direction given by this Tribunal in the earlier OA i.e. 284/2001, decided on 18.5.2005, as ~~is to take action in~~ also in the light of the decision rendered by the Hon'ble High Court in DB Writ Petition No.3593/2001, within a period of one month from the date of receipt of a copy of this order. Needless to add that in case the applicant is still aggrieved, he will be at liberty to approach this Tribunal again.

5. With these observations, OA as well as MA stand disposed of with no order as to costs.


J.P. SHUKLA
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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