

**Central Administrative Tribunal  
Principal Bench**

OA No. 439/2015

Order reserved on: 04.01.2017

Pronounced on: 15.02.2017

***Hon'ble Mr. V. Ajay Kumar, Member (J)***

***Hon'ble Mr. V. N. Gaur, Member (A)***

Khushal Singh

Aged 60 years

Group 'B', Section Officer (Retd.)

S/o Late Bhagwan Dass,

R/o H-108, Type-II, Kali Bari,

Gole Market, New Delhi-110001.

... Applicant

(By Advocate: Mr. Ashish Nischal)

Versus

1. Union of India  
Through its Secretary,  
Department of Personnel and Training,  
North Block, New Delhi-110001.
2. Central Administrative Tribunal,  
Through its Principal Registrar,  
Principal Bench, New Delhi.
3. Sh. Rangarajan,  
Section Officer/Court Master  
Principal Bench, CAT.
4. Sh. V.Raveendran,  
Section Officer/Court Master  
Principal Bench, CAT.
5. Sh. N.Sripatha Rao,  
Section Officer/Court Master  
Principal Bench, CAT.
6. Sh. Vijay Kumar,  
Section Officer/Court Master  
Principal Bench, CAT.

7. Sh. Ravinder Kumar,  
Section Officer/Court Master  
Principal Bench, CAT.
8. Smt. K.Krishnaveni,  
Section Officer/Court Master  
Madras Bench, CAT.
9. Sh. Nirmal Kumar,  
Section Officer/Court Master  
Allahabad Bench, CAT.
10. Sh. M.K.Goyal,  
Section Officer/Court Master  
Principal Bench, CAT.
11. Sh. K.K.Pukhral,  
Section Officer/Court Master  
Principal Bench, CAT.
12. Sh. K.M.Rabha,  
Section Officer/Court Master  
Guwahati Bench, CAT.

... Respondents

(By Advocate: Mr. D.S.Mahendru)

### **ORDER**

#### **Hon'ble Mr. V.N. Gaur, Member (A)**

The present OA has been filed by the applicant with the following prayer:

- i. Quash and set aside the Impugned seniority list for the post of Assistant dated 30.01.2014, qua the applicant;
- ii. direct the respondent no.2 to re-fix the seniority of the applicant as Assistant, on notional basis, after taking into account his past service in the parent department with all consequential benefits to the applicant;
- iii. pass any other Order(s) which this Hon'ble Tribunal deems fit."

2. The applicant had earlier approached this Tribunal in OA No.179/2005 with a grievance that his seniority in the category of UDC did not take into account the service rendered by him in the same capacity or in the equivalent grade in his parent department prior to deputation to the present department. The OA was disposed of by order dated 14.09.2005 without issuing notice to the respondents with a direction to decide his earlier representation expeditiously. The respondents accordingly passed an order on 24.04.2006 (Annexure A-12). The year-wise final seniority list of UDCs on all India basis, who were absorbed/regularised/appointed promoted as UDCs after 02.11.1989, was issued on 23.09.2008. The applicant again filed OA No.48/2009 which was decided on 25.01.2010 with the following direction:

“29. In view of the aforesaid, the respondents’ action in fixing the applicant’s seniority w.e.f. 15.05.1996, the date on which he was absorbed in the post of UDC in the Tribunal, without taking into consideration his regular service in the same and equivalent post in the parent department is not admissible in law. We accordingly quash and set aside the impugned Memorandum dated 22.04.2009 (Annexure A-1). We further direct the respondent to re-fix the seniority of the applicant in the grade of UDC after taking into consideration his regular service in the equivalent post of UDC in Central Ground Water Board i.e. his parent department. The applicant should also be considered for further promotions consequent upon revised seniority as per rules.”

3. The respondents thereafter issued a revised draft seniority list in the grade of UDC on 16.04.2013 and final seniority list on 16.12.2013. In the final seniority list name of the applicant was shown at Sl. No.1.

His date of appointment as UDC on regular post in the parent department is shown as 06.07.1987. The date of joining Central Administrative Tribunal (CAT) is 29.11.1991 and his date of absorption as UDC is 15.05.1996.

4. Learned counsel for the applicant, narrating the history of the case submitted that the respondents had not given the applicant the seniority which he deserved after counting his service in the equivalent grade in his parent department. He had to approach the Tribunal repeatedly to secure his rights. Though in the grade of UDC the seniority of the applicant has been restored, the applicant has not been given the consequential benefits as his contemporaries have now become Deputy Registrars he had to retire on the post of Section Officer. In the revised final seniority list of Assistants dated 30.01.2014 name of the applicant is at Sl. No.61, but the same should have been much higher position in the seniority list. The learned counsel, however, did not specifically point out the name of the person(s) who according to him is junior but had been shown as senior to the applicant in the impugned seniority list.

5. Learned counsel for the respondents submitted that direction of the Tribunal was to re-fix the seniority of the applicant in the list of UDCs giving him the benefit of equivalent service in the parent department which was done in the final seniority list dated 16.12.2013 the applicant has been shown as the senior-most UDC as on

01.01.1997. The applicant though has challenged the seniority list of Assistants, but has not made any specific averment pointing out the error in that seniority list or named any person junior to him who had been placed at a higher position in the list.

6. We have heard the learned counsel for the parties and perused the record. The applicant has impugned the final seniority list of Assistants in CAT in respect of officials who had been absorbed/regularised/appointed/promoted on regular basis during the period 01.10.1990 to 31.12.2012. The main argument of the applicant is that his seniority in the grade of UDC should have been fixed by giving him the benefit of the service in equivalent grade in the parent department as was allowed by this Tribunal in OA No.48/2009. We find that the matter has already been adjudicated by this Tribunal earlier and with the finalisation of seniority in the letter dated 16.12.2013 which placed the applicant at position no.1, the grievance of the applicant has already been redressed. In the present OA the applicant has questioned his seniority in the grade of Assistant. There is not a single ground mentioned in the OA in support of his claim. During the arguments also no error has been pointed out in the impugned seniority list of Assistants.

7. A perusal of the impugned seniority list shows that the name of the applicant appears at Sl. No.61. He was shown as appointed in the parent department in the grade of UDC as on 06.10.1987. He joined the

CAT on deputation on 29.11.1991 and absorbed on 15.05.1996. He was promoted in the grade of Assistant on 01.01.1999. The applicant has not challenged the date of his appointment as Assistant. The persons above him in the list were promoted to the grade of Assistants between 01.10.1990 to 01.10.1998. Not only that, they were absorbed in the grade of UDC on 01.11.1989 except some direct recruitments in the grade of UDC and Assistant which also had taken place much earlier than 15.05.1996, the date on which he was absorbed as UDC. With these facts, we do not find any ground on the basis of which the seniority of the applicant as shown in the final seniority list could be faulted with.

8. For the reasons stated above, we do not find any merit in the OA and the same is dismissed.

**(V.N. Gaur)**  
**Member (A)**

**(V. Ajay Kumar)**  
**Member (J)**

‘sd’

15<sup>th</sup> February, 2017