

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : GWALIOR

Original Application No.202/00988/2018

Gwalior, this Thursday, the 25th day of October, 2018

HON'BLE MR. R. RAMANUJAM, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

1. All India CPWD Employees Union, through Regional Secretary Shri Ram Sewak Jain, CPWD Campus, Shastri Nagar, Thatipur, Morar, Gwalior M.P. 474001. (Mob.9406580220).

2. Bansidhar, S/o Late Shri Pannalal, Aged – 44 years, Occupation – Service, R/o CPWD Section, Narcotics CPWD Sub Division No.1, Morar, Gwalior M.P.474006 (Mobile : 9926226544).

3. Kedar Soni, S/o Shri Ram Bahadur Soni, Aged – 58 years, Occupation – Service, R/o Shastri Nagar, Gwalior M.P. 474011 (Mobile : 9009360415) **-Applicants**

(By Advocate – Shri Alok Kumar Sharma)

V e r s u s

1. Union of India through the Secretary, Central Public Works Department, Nirman Bhawan, New Delhi 110001.

2. Director General, CPWD, Nirman Bhawan, New Delhi 110001.

3. Chief Engineer (Central Zone), CPWD, Nirman Bhawan, Arera Hills, Bhopal M.P.

4. Superintending Engineer, CPWD, Indore Central Circle, CGO Bhawan, First Floor, B-Wing, Indore 452001.

5. Executive Engineer, CPWD Gwalior Central Division, City Centre Gwalior, M.P. – 474011.

6. Shri Vinod Kumar Meena, Plumber, CPWD, Gwalior Central Division, City Centre, Gwalior M.P. 474011.

7. Shri Pooran Singh, Mason, CPWD, Gwalior Central Division, City Centre, Gwalior M.P.

8. Smt. Savitri Devi, Mason, CPWD, Gwalior Central Division, City Centre, Gwalior M.P. 474011 - **Respondents**

ORDER (ORAL)

By R. Ramanujam, AM.

Heard. MA No.202/1178/2018 for joint application is allowed for the reasons stated therein.

2. The applicants have filed this Original Application seeking following reliefs:

“8.1 That, the impugned orders of promotion of juniors over and above the applicants contained in Annexure A-1 may kindly be declared as illegal and the same may kindly be quashed.

8.2 That, a direction may kindly be given to the official respondents to convene review DPC and grant the promotion strictly in accordance with the rules and prescribed procedure and consider the promotion of applicants according to their seniority and available vacancies in the Division with all consequential benefits.

8.3 Any other suitable relief which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case may also be given to the applicant along with cost of this litigation.”

3. It is submitted that the matter concerned seniority of the applicant over persons who were transferred from Mumbai Division and had been granted higher seniority allegedly in

violation of the seniority rules and also granted promotion ahead of the applicants. The first applicant submitted a representation in this regard dated 14.08.2017 followed by one on 28.11.2017, 01.01.2018, 22.01.2018, 09.02.2018 and 09.04.2018. Legal notice was also served on the respondents on 31.05.2018. However, the grievance of the applicants had not been redressed.

4. As no final order has been passed by the competent authority on the issue of disputed seniority, we are of the view that it would be premature for the Tribunal to go into the merits of this case at this stage. Accordingly, this Original Application is disposed of with a direction to the competent authority to consider the contentions raised in the aforesaid representations in accordance with law and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

(Ramesh Singh Thakur)
Judicial Member

(R. Ramanujam)
Administrative Member

am/-