
(2003) 03 AHC CK 0144
In the Allahabad High Court
Case No : C.M.W.P. No. 36084 of 2001

General Manager, Ordnance Clothing Factory and Others	APPELLANT
Vs	
Central Administrative Tribunal, Allahabad Bench and Another	RESPONDENT

Date of Decision : 04-03-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 3 AWC 1736 : (2003) 2 UPLBEC 1131

Hon'ble Judges : Prakash Krishna, J; M. Katju, J

Bench : Division Bench

Advocate : Shishir Kumar, for the Appellant; K.C. Saxena and R.S. Yadav, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju, J.—Heard learned counsel for the parties.

2. This writ petition has been filed against the impugned order of the Central Administrative Tribunal, Allahabad dated 1 1.7.2001 (Annexure-3 to the writ petition).

3. We have carefully perused the impugned order and we find no illegality in the same. Respondent No. 2 was appointed as a Lower Division Clerk in the Ordnance Clothing Factory, Shahjahanpur, on 10.10.1961. He was placed under probation and completed his probation on 20.4.1962. He continued to serve as a Lower Division Clerk when he appeared in the test for tailor in which he was successful and was transferred from non-industrial establishment to the industrial establishment. However, learned counsel for the petitioner has admitted that the petitioner did not lose his lien on the post of Lower Division Clerk. Thereafter the petitioner again joined as Lower Division Clerk with effect from 23.8.1965. The petitioner claims that he should be given seniority with effect from 10.10.1961 when he was initially appointed as Lower Division Clerk. This submission has been accepted by the Tribunal and we are in respectful

agreement with the same since the petitioner never lost his lien on the post of Lower Division Clerk.

4. Learned counsel for the petitioner has submitted that the original application filed before the Tribunal was barred by time. We are not going to the merits of the submission since writ is a discretionary remedy and we are not interfering with impugned order of the Tribunal which is eminently just and fair. Moreover, the Tribunal has condoned the delay in filing the original application. Thus, it is not a fit case for interference under Article 226 of the Constitution.

5. The petition is dismissed.