

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7352 OF 2002

UNION OF INDIA

.....APPELLANT(S)

Versus

D.K. VIJH

.....RESPONDENT(S)

WITH C.A. NO.7025/2004

ORDER

Heard learned counsel for the appellant. Despite notice, none appears on behalf of the respondent. However, in view of a recent decision of this Court rendered in Nirmal Chandra Sinha Vs. Union of India & Ors., 2008 (4) Scale 839, we propose to dispose of this appeal on merits.

This appeal is directed against the judgment of the High Court. The respondent was appointed as Section Officer on 4/7/1962. Thereafter, he was promoted to the post of Assistant Engineer sometimes in February 1972. On 27/8/1978, he was promoted to the post of Executive Engineer(C) on adhoc basis. The regular selection committee met on 11/4/1997 and recommended for regularisation of the respondent alongwith others w.e.f. 20/3/1997. The seniority list of Executive Engineers was published where it had been shown that the seniority of the respondent is reckoned w.e.f. 20/3/1997. Aggrieved thereby, the respondent filed O.A. before the Central Administrative Tribunal. The CAT allowed the

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application. The High Court confirmed the finding. Hence, the present appeal by special leave.

The sole question to be determined in this appeal is as to whether the seniority of the respondent in the cadre of Executive Engineer is to be reckoned with effect from the date of the DPC or from the date of occurrence of vacancies in the said post. This question has been answered by this Court in a recent decision of this Court in the case of Nirmal Chandra Sinha (supra). The said decision squarely covers the facts of the case in hand.

Accordingly, the orders of the tribunal and of the High Court are set aside. Original Application filed by the respondent stands dismissed. Appeal is allowed.

CIVIL APPEAL NO. 7025 OF 2004

In view of our order passed in C.A. No.7352 of 2002, this appeal is allowed. The orders of the tribunal and of the High Court are set aside. Original Application filed by the respondent stands dismissed.

.....J.
(H.K. SEMA)

New Delhi;
May 08, 2008.

.....J.
(MARKANDEY KATJU)