



2026:AHC:43622-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 953 of 2026

Union of India through Secretary, Ministry Of
Defence and 2 others

.....Petitioner(s)

Versus

Farhad Ahmed

.....Respondent(s)

Counsel for Petitioner(s) : S.P. Singh, A.S.G.I., Vivek Kumar
Singh

Counsel for Respondent(s) : Ashish Kumar Srivastava, Sunil

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 18.11.2024 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad whereby the Original Application ('OA') filed by the respondent has been allowed and petitioners have been directed to grant similar benefits to the respondent, which were granted to the applicants in OA No. 440 of 2013, 441 of 2013 and 442 of 2013 decided by Jodhpur Bench of the Tribunal.

2. The OA was filed by the respondent seeking direction to the petitioners for re-determination of his date of promotion as HS-II, HS-I and MCM with effect from 22.03.1995, 30.01.2000 and 20.05.2003 respectively i.e. from the date his juniors were promoted.

3. The respondent was initially appointed as daily wager on Master Roll under Garrison Engineer (Army), Suratgarh (Rajasthan). His services were terminated, OA No. 93 of 1987 was filed, which was allowed with a direction to the petitioners to reinstate the respondent in service. Civil Appeal filed against the said judgement by Union of India was decided on 08.10.1989 by Hon'ble Supreme Court directing denial of back wages and further directing that the applicants of the OAs be regularized on the post on which they are reinstated.

4. The petitioners though reinstated the respondents but not on the post of MPA, which led to filing of another OA by some employees before Jodhpur Bench of the Tribunal, the OA was allowed directing the

petitioners to consider regularization on the post of MPA.

5. In the meanwhile, respondent was transferred at his own request and posted at Garrison Engineer (GE), Allahabad. Similarly placed employees again approached Jodhpur Bench of the Tribunal by filing OA Nos. 440 of 2013, 441 of 2013 and 442 of 2013 seeking promotion from the date their juniors were accorded promotion as HS-II, HS-I and MCM, which were allowed.

6. Respondent filed the present OA seeking similar direction as given by Jodhpur Bench.

7. The Tribunal came to the conclusion that the respondent was similarly placed to the applicants in OA No. 440 of 2013 etc. and while observing that similar employee cannot be treated in dissimilar manner, allowed the OA as noticed hereinbefore.

8. Counsel for the petitioners made vehement submissions that the Tribunal has directed to accord promotion to the respondent similar to the applicants in OA No. 440 of 2013 etc, who continue to serve under GE, Suratgarh whereas the respondent was transferred on his own request to GE, Allahabad in the year 1997 and in terms of the Rules, he was placed at bottom seniority and therefore, he cannot claim seniority from the date the same was accorded to the applicants in OA No. 440 of 2013 etc., which aspect has been ignored by the Tribunal.

9. Counsel for the respondent made submissions that till such time the petitioners are prepared to accord similar treatment to the respondent after taking into consideration the fact of his transfer and placing him at bottom seniority, the respondent has no objection.

10. We have considered the submissions made by counsel for the parties and perused the material available on record.

11. The applicants in OA No. 440 of 2013 etc. were accorded promotion as HS-II with effect from 20.03.1995, HS-I with effect from 30.01.2000 and MCM with effect from 20.05.2003. If the special circumstance as available in the case of respondent regarding his transfer to GE, Allahabad from GE, Suratgarh on his own request and as a consequence

being placed at the bottom seniority is to be applied along with the directions as given in cases of similarly placed applicants, the net position would be that in the year 1995 when the respondent was at GE, Suratgarh he would be entitled to promotion on the post of HS-II and in the year 1997 when he came on transfer to GE, Allahabad, he may be placed at the bottom seniority of HS-II at that stage and thereafter, in relation to those immediately junior to him, can be accorded promotion at GE, Allahabad on the post of HS-I and MCM, respectively.

12. The implementation of the order in the above manner, would take care of all the apprehensions expressed by the petitioners, which counsel for the petitioners readily agreed and counsel for the respondent has no objection.

13. In view of the above, the OA filed by the petitioners is **disposed of**. The order dated 18.11.2024 passed in OA No. 622 of 2021, shall be implemented in the manner, as indicated here-in-before and to that extent, the order impugned would stand modified.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 25, 2026
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