

Central Administrative Tribunal
Principal Bench

O.A. No.535 of 2002

M.A.1691/2002

New Delhi, this the 5th March, 2003

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. A.P. NAGRATH, MEMBER (A)

Jagdish Chandra,
S/o Shri Kahan Singh,
R/o A-7 Park View Appartments,
Rohtak Road,
Delhi-87
(None appeared)

...Applicant.

Versus

1. Union of India through
Secretary,
Ministry of Communication,
Sanchar Bhawan,
20 Ashoka Road,
New Delhi.
2. Sr. D.D.G.,
BW, Ministry of Communication,
10th Floor, Chandralok Building,
Janpath,
New Delhi.
3. Shri K. Karuppiah, SE (Civil),
(A &P) Office of PCE Civil, Telecom.
Administrative Building, Vith Floor,
7, Kushkumar Road,
Nungambakkam High Road,
Chennai-35
4. Shri P.S. Mohan Das,
SE(Civil),
SE., Civil Circle,
29, Melur Road, Vinayaga Nagar,
Madurai.
5. Shri Kishan Singh,
SE Civil,
SE Civil Circle,
414-415, J.P. Nagar,
Julandhar.

....Respondents.

(By Advocate: Shri D.S. Mahendru for official
respondents and Shri Sohan Lal for R-4
and R-5)

ORDER (Oral)

Justice V.S. Aggarwal

By virtue of the present application, the

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applicant seeks quashing of notices dated 12.2.2002, 14.9.2001 and 31.1.97 with further direction to the respondents not to disturb the seniority of the applicant or to place the applicant below respondents No.3 to 5 in the seniority list of AEE or Executive Engineer (Civil).

2. The applicant is a general candidate and according to him, respondents No.3 to 5, who are scheduled caste candidates, are proposed to be placed senior to him.

3. When the matter was listed, there was no appearance on behalf of the applicant.

4. However, our attention has been drawn to the fact that the impugned notices, referred to above, are basically show cause notices served on the applicant to make his representation in this regard pertaining to the rectification of the erroneous confirmation in the grade of Asstt. Executive Engineer(Civil) in respect of SC officers. Learned counsel for respondent No.1 informs us that the applicant in pursuance of the said notices submitted a detailed representation but no decision in this regard has been taken.

5. Learned counsel for respondent No.5 has also mentioned that respondent No.4 Shri P.S.Mohan Das had filed O.A.259/2002 before the Madras Bench of this

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Tribunal and the Madras Bench of this Tribunal had directed as under-

"3. The grievance of the applicant is that on the basis of the provisional seniority list the respondents are indicating promotees as his junior. In view of the limited relief claimed, we only direct the respondents to consider the case of the applicant and pass orders on these representations within a period of three months from the date of communication of this order. The applicant may also take a copy of this order along with the copy of the OA and Annexures and produce the same before the respondents for immediate action. The O.A. is disposed of accordingly."

6. In the face of aforesaid fact when no final order has yet been passed and also in reference to directions of the Madras Bench of this Tribunal, referred to above, it is directed that respondent No.1 would consider and pass a speaking order on the controversy on which the show cause notices were served and convey to the applicant. The applicant in that event would have an independent right, if so advised, to challenge the order that may be passed.

7. With these directions, O.A. is disposed of.

hnp
(A.P. Nagrath)
Member (A)

V.S.A.
(V.S. Agarwal)
Chairman