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O.A. NO. 1527/2002

New Delhi this the 5th day of June, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Shri V.K.Sinha  
S/o Late Shri P.D.Sinha  
Chief Engineer  
Ministry of Road Transport and Highways  
Transport Bhavan  
1, Sansad Marg  
New Delhi-110001.

( By Shri Tripurari Rai, and Shri M.P.Vinod,  
Advocates)

-versus-

1. Union of India  
Through  
Secretary to the Government of India  
Ministry of Road Transport and Highways  
Transport Bhavan  
1, Sansad Marg  
New Delhi-110001.
2. Shri Nirmaljeet Singh  
Chief Engineer  
Ministry of Road Transport and Highways  
Transport Bhavan  
1, Sansad Marg  
New Delhi-110001.
3. Shri P.K.Chakraborty  
Chief Engineer  
Ministry of Road Transport and Highways  
Transport Bhavan  
1, Sansad Marg  
New Delhi.

O R D E R (ORAL)

**S.A.T.Rizvi:-**

Applicant was directly recruited as Assistant Executive Engineer in 1972 through the Union Public Service Commission. Respondent Nos.2 & 3 were also recruited alongside but were placed lower in merit

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than the applicant in the merit list. Accordingly the applicant continued to stay at a place higher than than the respondents 2 & 3 in the seniority list right upto 1997. Thereafter, the applicant as well the aforesaid respondents were promoted to the post of Chief Engineer from the one and same date namely 6.8.1998. A provisional seniority list has been issued vide Office Memorandum dated 13.2.2002 (Annexure A) in which the applicant has been shown at Sl.No.7 whereas the aforesaid private respondents have been shown at Sl.Nos.4 & 5 respectively. No final seniority list has yet been issued. However, the applicant had made a representation against the aforesaid provisional seniority list on 11.3.2002. The same has been rejected merely by stating:- "However, it is regretted that the same has not been acceded to".

2. The learned counsel appearing on behalf of the applicant submits that the aforesaid rejection of the applicant's claim is not based on any reason and the aforesaid Office Memorandum constitutes a non-speaking and a non-reasoned order. He further submits that the respondents are in the process of making appointments to the post of ADG by promoting the Chief Engineers. If the respondents while doing so rely on the aforesaid provisional seniority list, the applicant is bound to suffer for no fault of his.

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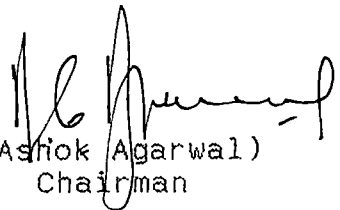
3. We have considered the submissions made by the learned counsel and the aforesaid facts and circumstances and find that it is necessary in the present case to direct the respondents to pass a supplementary order in continuation of the impugned Office Memorandum dated 7.5.2002 by specifying reasons for rejecting the applicant's claim for seniority. The respondents should do so within a period of two months from the date of receipt of a copy of this order. Until orders as above are passed and communicated to the applicant and upto 15 days thereafter, the respondents will not proceed to make promotions to the post of ADG/Member NH.

4. For the purpose of passing the orders as above, the present OA will be treated as a representation filed on behalf of the applicant.

5. Present OA is disposed of in the aforestated terms.



(S.A.T. Rizvi)  
Member (A)



(Ashok Agarwal)  
Chairman

/sns/