

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.998/2002

Tuesday, this the 16th day of April, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Rakesh Kumar
Son of Shri Hari Chand
Resident of 1/299, Sadar Bazar
Delhi Cantt.-10.

(By Advocate: Shri Sanjeev Sagar)

..Applicant

Versus

1. Ministry of Human Resource and Development through its Secretary Govt. of India, Shastri Bhavan, New Delhi
2. National Council of Educational Research and Training (NCERT) through its Director Sri Aurobindo Marg, New Delhi
3. Central Institute of Education Technology (CIET) Chacha Nehru Bhavan Sri Aurobindo Marg, New Delhi through its Joint Director

..Respondents

Q.R.D.E.R (ORAL)

Justice Ashok Agarwal:

Present proceedings prior the issue of the Notification of 4.1.2002 bringing National Council of Educational Research and Training (NCERT) within the jurisdiction of this Tribunal had been instituted in the Delhi High Court. After issue of the said Notification, applicant has withdrawn those proceedings before the High Court and has instituted the same before this Tribunal.

2. Applicant in 1984 had applied for the post of Cameraman Grade-II with the NCERT, respondent No.2

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herein. The aforesaid respondent No.2 by an order passed on 25.3.1985 appointed the applicant as Cameraman, Grade-II in temporary capacity on regular basis w.e.f. 25.3.1985. Applicant has accordingly joined the office of the Central Institute of Education Technology (CIET), respondent No.3 herein w.e.f. 25.3.1985.

3. By a later order of 28.7.1987, applicant has once again been appointed as Cameraman, Grade-II in temporary capacity on regular basis w.e.f. 11.6.1987. On 8.6.1988, the tentative seniority list of Cameraman Grade-II was issued by the respondent No.3. In the said list, the date of joining of the applicant has been shown as 11.6.1987 whereas, according to the order earlier passed on 25.3.1985, his date of joining was 25.3.1985. Applicant, in the circumstances, sent his representation of 27.7.1998 for removing the aforesaid anomaly. Applicant has submitted his further representations, the last of which was made on 22.9.1998. No decision thereon has so far been taken. The aforesaid seniority list, as we see it, is merely a tentative seniority list. In the circumstances, we do not find that rights of the applicant have been crystallised to his disadvantage so as to give him a cause of action. However, since the seniority list which is sought to be impugned is a tentative list and no decision on the aforesaid representations of the applicant has so far been given, we find that interests of justice will be duly met by disposing of the present OA at this stage itself even without issue of notices



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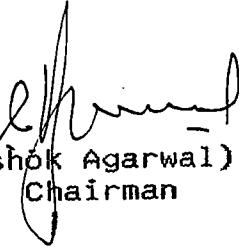
(3)

with a direction to the respondents to consider the aforesaid representations and pass suitable orders in respect of the aforesaid tentative seniority list after taking into account the contentions raised in the present OA as an additional representation against the placement of the applicant in the aforesaid tentative seniority list. Aforesaid representations will be disposed of by passing a detailed and speaking order. This be done expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly.

4. Present OA is disposed of in the aforesated terms.


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

/sunil/


(Ashok Agarwal)
Chairman