

**Central Administrative Tribunal
Principal Bench**

**OA No. 1594/2015
MA No. 4236/2015**

New Delhi, this the 29th day of February, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Thomas Chacko
Area Organiser
Sashastra Seema Bal
Age 46
S/o Sh. T.V. Chacko
R/o E-33, DGS CGHS, Pot No. 6
Sector 22, Dwarka, Delhi-77.

...Applicant

(By Advocate : Sh. Padma Kumar S.)

Versus

1. Union of India through
Secretary
Ministry of Home Affairs
North Block, New Delhi-110011.
2. Director General SSB
East Block V, R.K. Puram
New Delhi-66.
3. Secretary
DoP&T
North Block, New Delhi-1.
4. Secretary
Ministry of Law
Shastri Bhawan, New Delhi-1.
5. Sh. A.K. Das
Senior Instructor
ITS-II, Kolkatta
Plot No. 1/21, block-J
Sector-III, Kasba Industrial Estate, Kolkata-700107.

6. Sh. Jagdeep Pal Singh
Addl JAG
Force HQ, SSB
East Block V, R.K. Puram
New Delhi-66.

...Respondents

(By Advocate : Sh. Vijender Singh and Ms. Navneet Kaur for Sh. D.S. Mahendru for R.No. 6)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-



The applicant joined the service of the Sashastra Seema Bal (SSB) – respondent no. 2 herein, as Sub Area Organizer on 09.10.1991, by way of direct recruitment. The fifth respondent joined feeder category of Circle Organizer, on 12.10.1983 and later promoted as Sub Area Organizer. Both of them were promoted to the next higher post of Joint Area Organizer and the applicant was shown as senior. On promotion to the further higher post of Area Organizer also, the applicant was shown as senior. However, when the promotions were arranged against year-wise vacancies, it so happened that, the fifth respondent acquired eligibility vis-a-vis the vacancy of 2007-08 whereas the applicant became eligible only against the vacancy of 2008-09. As a result, the applicant became junior to the fifth respondent. He went on making representations stating that there exists a rule which provides for relaxation in favour of senior in case, he is not treated as eligible even while his junior is treated as eligible. The applicant and the fifth respondent were promoted to the post of DIG against the vacancies of the year 2015-16 and 2014-15

respectively. The same grievance as to seniority, remained for the applicant.

2. This OA is filed with a prayer to set aside the proceedings dated 11.09.2014 to the extent, the applicant was shown against the vacancy of the year 2008-09 even while the fifth respondent was shown against the vacancy of the year 2007-08. Further reliefs as a result of that, are also claimed.

3. The official respondents as well as the private respondents filed counter affidavit. Various contentions raised by the applicant are denied.

4. We heard Sh. Padma Kumar S., learned counsel for the applicant and Sh. Vijender Singh and Ms. Navneet Kaur for Sh. D.S. Mahendru for R.No. 6.

5. When the original application was filed, the fifth respondent was very much in service and it was necessary, to take into account his seniority also, for granting any relief. It is stated that during the pendency of the OA, the fifth respondent retired from service. Therefore, the grievance of the applicant is only to the extent of antedating his promotion to the post of Area Organizer to the year 2007-08 to be on par with the fifth respondent, extending the benefit of relaxation of the eligibility criteria.

6. This very issue, that too, in the second respondent organization itself, was dealt with by us, in OA No. 1467/2014. Vide order dated 09.04.2019 passed therein, liberty was given to the applicant in that OA, to make a representation for antedating the promotion to the



concerned vacancy year and for re-fixation of the seniority. In the instant case, the necessity to revise the seniority does not arise since the fifth respondent has already retired.

7. We, therefore, dispose of the OA leaving it open to the applicant to make a representation for pushing his promotion to the vacancy year 2007-08 in the post of Area Organizer, and directing that it shall be considered in accordance with law. In case, his request in that behalf is acceded to, the consequential relief as regards the next higher post shall also be considered. We make it clear that the exercise required to be undertaken in this OA, shall not result in change of seniority for any post in the organization.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/

