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Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 18th May, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

O.A. No. 623 of 1999

Mrs. Usha Rani,
W/o Shri Mukesh Sharma,
Assistant, ESIC
R/o 89-C, Mayur Vihar,
Pocket I, Phase I,
Delhi-110091. .. Applicant

Versus

1. Union of India through
the Secretary,
Ministry of Labour,
Shram Shakti Bhawan,
New Delhi.

2. The Director General
Employees State Insurance Corporation,
Head Quarters,
Panchdeep Bhawan, Kotla Road,
New Delhi.

3. Jt.Director (A) II,
ESIC, Headquarters, Panchdeep Bhawan,
Kotla Road, New Delhi. .. Respondents

O.A. No. 1509 of 1999

Mrs. Usha Rani .. Applicant

Versus

1. Union of India through
the Secretary,
Ministry of Labour,
Shram Shakti Bhawan,
New Delhi.

2. The Director General
Employees State Insurance Corporation,
Head Quarters,
Panchdeep Bhawan, Kotla Road,
New Delhi.

3. Jt.Director (A) II,
ESIC, Headquarters, Panchdeep Bhawan,
Kotla Road, New Delhi. .. Respondents

Advocates: Mrs. B. Sunita for applicant
Shri G.R. Nayyar for respondents

ORDER (Oral)

S.R. ADIGE, VC (A)

OA 1509/99

Private Secretary
Central Administrative Tribunal
Faridkot House, Copernicus Marg
New Delhi-110001

(21)

As both these O.As involve common questions of law and fact, they are being disposed of by this common order.

2. In O.A. No. 623/99 applicant impugns the seniority list dated 15.2.99 in which her name does not find mentioned.

3. In O.A. No. 1509/99 applicant impugns Respondents' order dated 18.5.1999 by which her date of regular promotion as Assistant has been shown as 20.3.91.

4. We have heard applicant's counsel Mrs. B. Sunita Rao and Respondents' counsel Shri G.R. Nayyar.

5. It is not denied that by Respondents' order dated 15.10.90, applicant had been promoted as Assistant on regular basis w.e.f. 5.10.90, but by impugned order dated 18.5.99, her date of promotion as Assistant on regular basis has been shown as 20.3.91, and thus applicant has lost seniority as Assistant by over five months.

6. Respondents contend that this change in applicant's seniority as Assistant was necessitated because she had lost seniority in the feeder grade of UDC, and Respondents had issued seniority list dated 20.1.95, revising her seniority as UDC, which she had not challenged, but even so, as applicant was promoted

Applicant in OA 1509/95

(H. C. MITTAL)
Private Secretary
Central Administrative Tribunal
Faridkot House, Copernicus Marg
New Delhi-110001

on regular basis as Assistant w.e.f. 5.10.90 by Respondents' order dated 15.10.90, they could not have legally altered her date of regular promotion to her disadvantage, without putting her to notice and giving her a reasonable opportunity to represent.

7. In the result the impugned orders dated 18.5.98 in so far as it relates to applicant, showing applicant's date of promotion as regular Assistant to be 20.3.98 is quashed and set aside.

8. If respondents for any reason seek to alter the date of applicant's regular promotion as Assistant, shown in the Respondent's order dated 15.10.90 as 5.10.90, they shall put applicant to notice and give her a reasonable opportunity to represent, before they take any final decision in this regard.

9. The O.A. disposed of accordingly. No costs.

10. Let a copy of this order be placed in each case record.

(Dr. A. Vedavalli)
Member (J)

(S.R. Adige)
Vice Chairman (A)

karthik

Annexure in OA 1509/95

Private Secretary
Central Administrative Tribunal
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