

Central Administrative Tribunal
Principal Bench.

O.A. No. 1055 of 1998

New Delhi, dated this the 12th December, 2000

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

Shri R.M. Nair,
Section Officer,
National Informatics Centre,
Planning Commission,
A Block, CGO Complex,
Lodhi Road,
New Delhi-110003.

.. Applicant

(By Advocate: Ms. Monica Kapoor)

Versus

1. Union of India through
the Special Secretary & Director General,
National Informatics Centre,
Planning Commission, A Block,
CGO Complex, Lodhi Road,
New Delhi-110003.
 2. The Dy. Director,
P & V Section,
N.I.C., New Delhi.
 3. Shri C.B. Nambiar,
Dy. Director,
M.I.C., Udyog Bhawan,
Pune (Maharashtra)
- .. Respondents

(By Advocate: Shri N.S. Mehta
None for R-3)

ORDER (Oral)

MR. S.R. ADIGE, VC (A)

Applicant impugns Respondents' orders dated 6.3.98 (Annexure A-1) rejecting his claim to be placed senior above Respondent No.3 in the seniority list.

2. We have heard applicant's counsel Ms. Monica Kapoor and respondents' counsel Shri N.S.Mehta.

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3. Recruitment Rules for the post of S.O. in the N.I.C. have been extracted at Annexure R-1, from which it is clear that 25% vacancies are to be filled by promotion and 75 % by appointment on the basis of departmental competitive examination conducted by the Dept. of Electronics from eligible categories of persons.

4. The seniority list of S.Os dated 8.3.90 (Annexure 2) reveals that following the aforesaid quotas in the year 1998 S/Shri C.G. Ganesan, Sr. No. 11, Shyam Sunder and T.R. Sharma were appointed on the basis of Departmental Competitive Examination on 5.12.88 and 28.12.88. Thereafter Respondent No. 3 Shri C.B. Nambiar was appointed from the promotion quota on 1.5.89 and thereafter applicant Shri R.M.Nair, Sl. No.15, Shri M.K.Subramaniam, Sl. No. 16 and Shri P.S.Pillai, Sl. No. 17 were appointed out of the D.C.E. quota.

5. The aforesaid appointments make it clear that the aforesaid rota quota system was followed by respondents and merely because applicant was appointed through departmental competitive examination on 1.2.89 while R-3 was appointed under the promotion quota on 1.5.89 will not necessarily make applicant senior to R-3. In this connection Shri Mehta has relied upon C.A.T., P.B. Shri G.C. Pillai Vs. Union of India 1990 (14) ATC 263, which has upheld the rota quota system.

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6. Where appointments are made in accordance with rota quota system, as manifestly they have been made in the present case, and the seniority has been fixed strictly in accordance with that system, in our view it warrants no interference.

7. In the result we see no good reasons to interfere in the O.A. which is accordingly dismissed. No costs.

A Vedavalli
(Dr. A. Vedavalli)
Member (J)

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

'ok'