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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1913/95

New Delhi, this 7th day of October, 1999

Hon'ble Shri A.V. Haridasan, VC(J)  
Hon'ble Shri S.P. Biswas, Member(A)

C.B. Wagh  
10, Zilla PethRider  
Jalgaon, Maharashtra

.. Applicant

(By Shri A.K. Behera, Advocate)

versus

1. Director General  
M/Telecommunications  
New Delhi

2. Chief General Manager  
Telecommunication  
Maharashtra Circle, Bombay

3. Shri S.L. Manik  
AD(Trunks) Dak Bhavan, N.Delhi .. Respondents

(By Shri S.M.Arif, Advocate)

ORDER(oral)

Hon'ble Shri A.V. Haridasan

The applicant, a member of the Scheduled Caste, joined service in the Telecommunication Department on 16.11.66 as Engineer Supervisor Phones which category is presently known as Junior Telecom Officer. He was later on promoted to TES Group B. In the seniority list of the officers belonging to TES Group B circulated on 10.12.92 in implementation of the directions contained in the orders of the Central Administrative Tribunal in several OAs, the applicant was placed at Sl.No.681. The present grievance of the applicant is that his seniority position has been altered and in the seniority list No.VI he has been placed at Sl.No.5049.3 and deemed date of appointment shown as 30.6.82 while as per the applicant the deemed date of appointment is 7.5.81. Before issuing the impugned order, the applicant was served with show cause notice (Annexure H) dated 1.11.94 wherein he was informed that one Shri Manik had made a representation in

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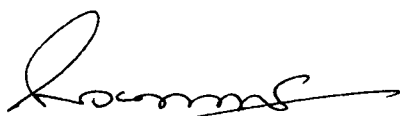
which placement of the applicant at Sl.No.681 in the seniority list No.V has been objected to and that his position in the seniority list would be changed. Applicant submitted his reply, a copy of which is at Annexure J, wherein he has requested that his seniority position may not be changed as the same has been assigned rightly or wrongly. The applicant received the impugned memo dated 20.1.95 showing his present position in the seniority list at 5049.3. The applicant aggrieved by that has filed this application praying that order dated 20.1.95 be set aside and further directions be given to the respondents to maintain applicant's seniority as per the recommendations of DPC as reflected in the seniority list dated 10.12.92 and to give him all consequential benefits.

2. Respondents in their reply statement have stated that while refixing the seniority of numerous officers in Group B throughout the country, mistakes have occurred, that a representation was submitted by Shri Manik (R-3 in this OA) and after giving the applicant an opportunity to make representation the seniority position of the applicant was altered and he was placed at the correct position and therefore applicant does not have a legitimate grievance which calls for redressal by this Tribunal.


3. Shri A.K.Behera, learned counsel of the applicant argued that the reason stated for revising the seniority position of the applicant was not germane in terms of the directions of the Tribunal in its various judgements because what was directed was to place the officials who have passed the qualifying examination earlier above those who have passed the examination later. Whether the DPC in the year 1980 recommended inclusion of the applicant's name in the

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seniority of Group B or whether DPC of 1981 <sup>(10)</sup> has recommended is not germane for assigning seniority position. Learned counsel referred us to the show cause notice as also the impugned order and argued that these do not disclose anything whether placement of the applicant in the impugned seniority list is in consonance with the year of passing the qualifying examination and therefore the applicant is at a loss to understand whether the seniority assigned to him is wrong or right. We find some substance in the arguments of the learned counsel. We are informed by the counsel that the applicant is since retired. It is necessary to inform the applicant the basis on which his seniority has been altered to the present position. Since the applicant stands retired, it is not necessary to set aside the impugned order. We are of the considered view that it would in the interest of justice if the respondents No.1 & 2 are directed to give detailed intimation to the applicant after a thorough examination informing him the basis on which his position was altered in the light of the decisions referred to above. In case on such examination respondents find that the applicant is entitled to the higher seniority position the same may be given. Action as aforesaid shall be completed and consequential order issued to the applicant by R-1 and R 2 within a period of four months from the date of receipt of a copy of this order. In case the applicant is entitled to higher position in seniority, he will be entitled to consequential benefits also.

  
(S.P. Biswas)  
Member(A)

/gtv/

  
(A.V. Haridasan)  
Vice Chairman(J)