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Central Administrative Tribunal, Principal Bench

Original Application No. 1915 of 1996

New Delhi, this the 1st day of August, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)

Hon'ble Mr. Kuldip Singh, Member (J)

Shri Yashwant Singh Rawat,

S/o Shri Chander Singh Rawat,

R/o A/M-7, Indrapuram,

AGRA

Applicant

(By Advocate - Shri A.K. Behra)

Versus

Union of India through

1. The Secretary,

Deptt. of Culture

Ministry of Human Resource Development

Shastri Bhawan

New Delhi-1

2. The Director General

Archeological Survey of India

Janpath, New Delhi

3. Shri Bhupesh Joshi

Works Assistant-II

Office of the Director General

Archeological Survey of India

Janpath, New Delhi

Respondents

(By Advocate - Shri K.C.D. Gangwani)

O R D E R (ORAL)

By Hon'ble Mr. S.R. Adige, Vice Chairman(A)

1. Applicant impugns seniority list dated 22.9.95

(Annexure A-1) and seeks restoration of seniority list

dated 21.2.86 (Annexure A-5) vis-a-vis third respondent

with all consequential benefits. He also impugns

respondents' order dated 10.6.96 (Annexure A-3) in so far

as it relates to respondent no.3 and seeks a declaration

that he is entitled to be promoted as Works Assistant

Grade-II in place of third respondent ordered on 10.6.96,

with all consequential benefits.

2. We have heard applicant's counsel Shri

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A.K. Behra and respondents' counsel Shri K.C.D. Gangwani. None appeared for respondent no.3 although notice has been served upon him as far back as 1996.

3. Admittedly by the seniority list of 21.2.86, the applicant was shown senior to respondent no.3. Respondents contend that this seniority list was erroneous and to correct the same, they have issued revised seniority list on 22.9.95 placing the applicant junior to respondent no.3.

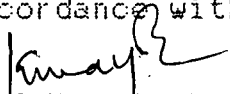
4. It is well settled that alteration of the position of a Govt. employee in a seniority list relative to others, leads to certain civil consequences and nothing has been shown to us to establish that prior to the issue of the impugned seniority list dated 22.9.95 depressing applicant's seniority vis-a-vis respondent no.3, he was put to notice and given an opportunity to represent against any change in his seniority.

5. Under the circumstances, respondents by changing applicant's seniority relative to that of respondent no.3 without putting him to notice, have violated the principles of natural justice and the impugned seniority list dated 22.9.95 to the extent it places the seniority of applicant below that of respondent no.3, is not legally sustainable and is, therefore, quashed and set aside. If respondents seek to make any change in the seniority of applicant vis-a-vis that of respondent no.3, after having already issue the seniority list of 21.2.86,

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they shall do so only after putting applicant to notice and by ~~passing~~ a speaking and reasoned order, after giving him a reasonable opportunity of being heard in person.

6. In the result, the OA succeeds and is allowed to the extent contained in the preceding paragraph. These directions should be implemented within three months from the date of receipt of a copy of this order. If any grievance still survives, it will be open to him to agitate the same through appropriate original proceedings in accordance with law, if so advised. No costs.


(Kuldip Singh)
Member (J)


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

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