

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2498 of 1996

New Delhi, this 5th day of May, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

S.K.Kashyap
S/o Late J.R. Kashyap
R/o E-334, Government Quarter
Dev Nagar
New Delhi-110005

... Applicant

(By Advocate: Ms K. Iyer)

versus

Union of India, through

1. Director, CBI, Block 3
C.G.O. Complex, Lodi Road
New Delhi-110003.
2. Secretary (Personnel)
Ministry of Personnel, Public Grievances
and Pensions, Department of Personnel
and Training, North Block
New Delhi.
3. Shri Surendra Narain Saxena
Dy. Supdt. of Police
Special Investigation (Cell-II)
Block-3, C.G.O. Complex, Lodi Road
New Delhi-110003. ... Respondents

(By Advocate: None present)

Order (oral)

By Reddy, J.

This case can be disposed of on a short point without going into the merits of the case.

2. The applicant while working as Sub Inspector in Delhi Police, was selected and appointed as Deputy Superintendent of Police(DSP, for short) on deputation basis with effect from 11.9.1990. The case of the applicant is that he has been appointed on the basis of the recommendations by the UPSC. In the seniority

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list dated 8.11.1995 showing the seniority list of DSPs in CBI as on 31.8.1995, the name of the applicant figured at sl.no.100. One Shri S.N. Saxena filed OA.403/96 in Principal Bench, CAT seeking the relief to treat the date of absorption of the applicant as on 13.2.1995 on the ground that the applicant was appointed on transfer basis on the said date. He questioned the actual date of appointment of the applicant with effect from 7.10.1991. Though initially the respondents had ^{not} supported the case of the applicant, later on, they had filed additional counter affidavit supporting the relief claimed by the applicant in that case. Hence, the OA was withdrawn as infructuous. Immediately thereafter the impugned order was given by the respondents stating that the applicant's seniority has been revised placing him at 180-B in the seniority list dated 31.8.1995. This order is under challenge in this OA.

3. It is contended by the learned counsel for the applicant that the revision of the seniority of the applicant was made without notice.

4. The respondents have contested the case. It is the case of the respondents that as the applicant was wrongly given the seniority and the same has been rectified on the basis of the



(3)

representation from the affected persons, including the applicant in the above OA, Shri Saxena. It is further stated that no notice is necessary before passing the impugned order.

5. In our view this OA has^{to be} allowed. The law is well settled that the seniority is a valuable right of an employee and it should not be disturbed adversely without issuing notice. It is not correct to say that since the error was being corrected it could be done without notice. Even an error should be corrected only after notice.

6. In the circumstances, the OA is allowed. The impugned order is set aside. The respondents are directed to issue notice and take suitable action as per law. If the respondents seek to proceed by issuing notice, they should do so within a period of two months from the date of receipt of a copy of this order and thereafter the applicant shall give his explanation within a period of one month and it should be heard and disposed of by the respondents within a period of two months thereafter.

7. With the above directions the OA is disposed of. No order as to costs.

Shanta Shastri
(Mrs. Shanta Shastri)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman(J)