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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.296/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 9th day of November, 1999

Dr. (Mrs.) Ritu Rajeev
w/o Shri Rajeev Kumar
r/o 208 Vasant Enclave
New Delhi.

... Applicant

(By Dr. D.C.Vohra, Advocate)

Vs.

1. Union of India
Secretary
Department of Culture
Minister of Human Resources
Development
Govt. of India
Shastri Bhawan
New Delhi.

2. The Director General
National Archives of India
Janpath
New Delhi.

3. Smt. Ravinder Dakhia
w/o Shri Rajinder Singh
r/o C-30 Nizam Uddin(East)
New Delhi - 13.

... Respondents

(By Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman:

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The present OA seeks to impugn an order passed on 2.8.1995 whereby the applicant has been shown at Sl. No.10 and Respondent No.3 has been shown at Sl. No.9 in the seniority list of Assistant Archivist (General). It is the grievance of the applicant that prior to the passing of the impugned order she had been shown at Sl. No.9 whereas Respondent No.3 had been shown at Sl. No.10. By the impugned order their position in the seniority list have been reversed and this has been done in breach of the principle of natural justice. It is contended on behalf of the

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applicant that no notice was issued to the applicant to show cause as to why her position in the seniority list should not be altered to her disadvantage and no opportunity was given to her before passing the impugned order. The aforesaid impugned order as the order itself points out has been passed in compliance with a direction issued by this Tribunal on 24.5.1995 in OA 2057/94. We have perused the order passed by the Tribunal and we find that all that was directed was to dispose of the representation dated 10.12.1993 made by Respondent No.3 herein. Based on the said direction the impugned order changing the seniority of the applicant and Respondent No.3 has been issued.


2. As far as the applicant is concerned, she was appointed to the post of Assistant Archivist Gr.I (General) w.e.f. 8.1.1988. Respondent No.3 was promoted to the said post w.e.f. 22.8.1984. However, in the seniority list as originally framed the applicant had been shown senior to Respondent No.3 because of the rota quota system prevailing at that time. The said quota system, we are informed has been given up in 1986. It is in these circumstances that Respondent No.3 appears to have been shown senior to the applicant.

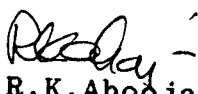
3. Dr. D.C.Vohra, learned counsel for the applicant, has submitted that order changing the position of the applicant in the seniority list has been brought about without issuing a show cause notice and without affording an opportunity of being heard. The same, therefore, suffers from the vice of non-observance of the principles of natural justice.

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All that is claimed by the learned counsel is that suitable directions should be issued directing Respondents No.1 and 2 to afford the applicant an opportunity of being heard before final orders are passed deciding inter-se seniority between the applicant and Respondent No.3. He further prays that representation made by the applicant on 30.1.1996 should also be directed to be disposed of by Respondents No.1 and 2. In our view, the prayer made is just and reasonable and deserves to be granted. In these circumstances, we direct that Respondents No.1 and 2 do hear both the applicant and Respondent No.3. Respondents No.1 and 2 will thereafter pass suitable orders in accordance with the law.

4. The present application is disposed of with the aforesaid direction. There shall be no order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Ahooja)
Member (A)

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