

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.922/97

with

O.A.No.1805/97

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

New Delhi, this the 26th day of July, 2000

O.A.No.922/97:

Shri Bansha Raj
s/o Shri Munni Lal
r/o JG-1/11-B, Vikaspuri
New Delhi.

.. Applicant

O.A.No.1805/97:

1. K.Karunanidhi
s/o K.Kailasham
r/o 69-D/Sector-4
Pushpavihar
New Delhi - 110 017.
2. Sh. Om Prakash
s/o Sita Ram
I-331, Sarojini Nagar
New Delhi.
3. Jai Prakash Cauhan
s/o Anokhey Lal
F-40, Lajpat Nagar
Sector-4, Sahibabad (UP).
4. Sri Ram
s/o Shri S.Cheddu
r/o D-I/C-33, Chander Lok
Delhi - 110 093.

.. Applicants

(By Shri George Paracken, Advocate in both the OAs)

Vs.

1. Union of India through
The Secretary
Ministry of Urban Affairs and Employment
Nirman Bhavan
New Delhi.
2. Director General of Works
Central Public Works Department
Nirman Bhawan
New Delhi.

... Respondents

(By Shri K.C.D.Gangwani, Advocate in OA No.922/97)
(None for the respondents in OA No.1805/97)

O R D E R (Oral)

By Justice Rajagopala Reddy:

[Signature]

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As both the cases involve same questions of law on similar facts, they are disposed of by this common order.

2. Heard the learned counsel for the applicant and the respondents.

3. These cases involve the dispute as to the seniority of the applicants in the post of Junior Engineer in CPWD.

4. The applicants were appointed as Junior Engineers in CPWD on different dates in the year 1982. Some of the applicants were confirmed as Junior Engineers on 1.2.1986 and some on 1.2.1983. It is the grievance of the applicants that the seniority of the applicants should be fixed on the basis of the dates of their confirmation. Some employees who were confirmed on 1.2.1986, were fixed the seniority at Sl.No.428 in the seniority list dated 5.4.1994, the applicants are placed much below them.

5. The applicant, in OA No.922/97, ^{is} are now placed in the above seniority list at Sl. No.1904 and the applicants No.1 to 4, in OA No.1805/97, are placed at Sl.No. 1767, 1898, 1900.

6. The learned counsel for the respondents, however, submits that the applicants are estopped from raising any grievance about their seniority as in ~~their~~ ⁱⁿ own representation dated 11.12.1996, the applicant in OA No.922/97 had requested for fixing his seniority at Sl.No.860 in the above seniority list

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dated 5.4.1994. Accordingly, the applicants' seniority had been placed at 858-A. Similarly, in the case of applicants No.4, 1 and 3, in OA No.1805/97, seniority had been refixed at 858(i), 858(ii) and 858(iii) respectively and the seniority of Shri Om Prakash, Applicant No.2 in OA No.1805/97 has also been fixed correctly as requested. As such the applicants cannot have any grievance. They are also estopped from filing this application and agitating about their seniority. It is also stated by the learned counsel for the respondents that as the applicants joined in the service in 1982 and in 1983, they cannot claim seniority over their counter-parts joined in the year 1971.

7. We have considered the contentions of the learned counsel on either side. Without going into the merits of this case, the OAs can be disposed of as both the OAs suffer from two preliminary flaws. Since the matter pertains to alteration of seniority of the applicants, which, if granted, affects other employees whose seniority had already been fixed in the seniority list and also promotions were given to them, any direction or alteration of the seniority of the applicants would affect the constitutional rights of the persons who are already placed in the seniority list. Hence in our view the affected parties are necessary parties in these OAs, however, they are not impleaded in these OAs. The OAs are, therefore, liable to be dismissed on this ground.



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8. Secondly, as contended by the learned counsel for the respondents, as the respondents had refixed the seniority of the applicants, as requested by them already, as stated supra, at the places sought in their representation dated 11.12.1996 and in accordance with the rules the applicants cannot be permitted to re-agitate. The principle of estoppel will be operative against them.

9. On these two grounds both the above OAs are dismissed. In the circumstances, there shall be no order as to costs.

Shanta

(SMT. SHANTA SHASTRY)
MEMBER(A)

V. Rajagopala Reddy

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/s