

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2123/2000
MA-611/2001

New Delhi this the 16th day of July, 2001.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. P.K. Sharma,
Section Officer,
Navodaya Vidyalaya Samiti,
A-39 Kailash Colony,
New Delhi-48. Applicant

(through Sh. KBS Rajan, Advocate)

Versus

1. Union of India through
the Secretary,
Dept. of Secondary Education and
Higher Education,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi-1.
2. The Director,
Navodaya Vidyalaya Samiti,
A-39, Kailash Colony,
New Delhi-48.
3. Sh. Anurag Bhatnagar,
Former Director,
Navodaya Vidyalaya Samiti,
R/o 133 Asian Games Village
(Madan Lal Block)
New Delhi-49. Respondents

(through Sh. S. Rajappa, Advocate)

ORDER (ORAL)

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

Applicant impugns respondents order dated 24.03.2000 (Annexure-I) and seeks a direction to respondents to maintain the seniority list dated 20.10.98 (Annexure-4) in tact, with reference to applicant's date of regular appointment as Section Officer w.e.f. 06.06.91. Consequential benefits have also been prayed for.

2. Heard both sides.
3. It is not denied that the aforesaid order dated 24.03.2000, altering applicant's seniority as Section Officer to his disadvantage from 23.11.93 to 06.06.91 has been issued without putting him^{to} notice and without giving ^{him} an opportunity of being heard.
4. It is well settled that assignment of seniority entails civil consequences, and respondents could not have altered applicant's regular appointment in the grade of Section Officer from 06.06.91 to 23.11.93, thereby altering his position in the seniority list, without putting him to notice and giving him a reasonable opportunity of being heard.
5. Under the circumstances, the impugned order dated 24.03.2000 ^{qua} applicant, changing his seniority as Section Officer from 23.11.93 to 06.06.91 cannot be sustained in law, and is therefore quashed and set aside.
6. In the event respondents seek any change in applicant's seniority, they shall do so strictly in accordance with law and the principles of natural justice, after putting him^{to} notice and giving ^{him} an opportunity of being heard.
7. If thereupon, any grievance still survives, it will be open to applicant to agitate the same in accordance with law, if so advised.
8. MA-611/2001 filed by applicant is disposed of with a direction that respondents shall notrefix applicant's pay pursuant to their Office Order

No. 433/2000 dated 14.11.2000, until and unless, applicant's seniority is refixed strictly in accordance with law and principles of natural justice, as directed above.

9. With the above directions, the OA stands disposed of. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)

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

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