In the Central Administrative Tribunal
Principal Bench: New Delhi

1. OA No.1783/87 Date of decision: 04.03.93.

Shri B.N. Bhardwaj & Others ...Petitioners

Versus

Union of India through the
Secretary, Ministry of
Communications & Others ...Respondents

2. OA No.1445/89
Shri Ghanshyam K. Borikar ...Petitioner

Versus

Union of India & Others ...Respondents

3. OA No.853/91
Shri Naraindas Assandas Tejwani ...Petitioner

Versus

Union of India & Others ...Respondents

4. OA No.1446/89
Shri R.N. Khurana ...Petitioner

Versus

Union of India & Others ...Respondents

5. OA No.1749/91
Shri G.M. Rangaiah ...Petitioner

Versus

Union of India & Others ...Respondents

6. OA No.2102/91
Shri S.C. Srivastava ...Petitioner

Versus

Union of India & Others ...Respondents

7. T.A. No.164/87
(C.W. 39113/82)
Shri P.V. Damodaran ...Petitioner

Versus

Union of India & Others ...Respondents

8. T.A. 167/87
(C.W. 7672/82)
Shri D. Someswara Rao & Anr. ...Petitioners

Versus

Union of India & Others ...Respondents

9. T.A 185/87
(C,W. 1929/84)
Shri M.Y. Bhide ...Petitioner

Versus

Union of India & Others ...Respondents

10. T.A. 20/89
(C.W. 8850/83)
Shri Anand Swaroop Sharma ...Petitioner

Versus

Union of India & Others ...Respondents

11. T.A. 21/89
(C.W.8621/82)
Shri K.V. Sreenivasan. ...Petitioner

Versus

Union of India & Others ...Respondents

12. T.A. 22/89
(W.P. 7505/84)
Shri B. Ramakrishna Raju ...Petitioner

Versus

Union of India & Others ...Respondents

13. T.A. 23/89
(W.P. 6968/84)
Shri V.S. Venkataraman ...Petitioner

Versus

Union of India & Others ...Respondents

14. T.A. 24/89
(C.W. 1988/82)
Shri Alampallam Thandaveswara
Natarajan ...Petitioner

Versus

Union of India & Others ...Respondents

15. T.A. 30/89
(C.W. 10580/84)
Shri Sukumar Chel ...Petitioner

Versus

Union of India & Others ...Respondents

16. T.A. 31/89
(C.W. 8649/84)
Shri Shyama Prosad Nayak ...Petitioner

Versus

Union of India & Others ...Respondents

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17. T.A. 32/89
(C.W. 12547/84)
Shri Adhir Kumar Mitra ...Petitioner

Versus

Union of India & Others ...Respondents

18. T.A. 37/89
(W.P. 956/84)
Shri D.S. Nagaraja ...Petitioner

Versus

Union of India & Others ...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioners — Shri D.C. Vohra and Shri V.S.R. Krishna, Counsel.

For the respondents — S/Shri M.L. Verma, Sarvesh Bisaria for Shri S.K. Bisaria and M.K. Gupta, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A)

The short question raised in this batch of petitions is that the seniority list of Assistant Engineers (Civil) should be recast in accordance with the principles laid down in the Ministry of Home Affairs OM No.9/11/55-RPS dated 22.12.1959 and in accordance with the judgement of the Bangalore Bench of the Tribunal in the case of R. Ganapathy & Others vs. Union of India & Others (Application No(s) 1108 to 1110/89) rendered on 20.12.1991. In the matter before us the impugned final seniority list was issued by the respondents on 17.9.1987. A copy of the decision of the Bangalore Bench in OA Nos. 1108-1110

(supra) rendered on 20.12.1991 was brought to our notice, which squarely deals with the issues which have been raised in the O.As before us. The operative part of the decision of the Bangalore Bench reads as under:-

> " 6. For the reasons stated above all these three applications are allowed. We direct respondents 1 and 2 to revise the seniority list of Assistant Engineers by taking into account the dates on which the incumbents were appointed on ad hoc basis followed by continuous service as the date for determining their relative seniority in the cadre of Assistant Engineers. It is made clear that this direction is not confined to the applicants and all persons similarly situated should be accorded the same benefit. So far as the applicant in the second case is concerned, the respondents are directed to consider his case from the date his junior was so appointed and accord him the benefit of seniority from that date. The applicants shall not be entitled to any consequential benefits. But, they shall be entitled to all other benefits such as seniority and consideration for further promotion on the basis of their revised seniority. Let this order be communicated to the respondents forthwith." (emphasis supplied).

2. Shri D.C. Vohra and Shri V.S.R. Krishna, the learned counsel for the petitioners submitted that the petitioners herein are similarly situate and they are accordingly entitled to the benefit conferred on the petitioners who were before the Bangalore Bench. It was further pointed out that the Bangalore Bench had made clear that the directions issued were not confined to the applicants in the three petitions before the Bangalore Bench. The directions were to be applied to all persons similarly

situate. We were further referred to the decision of the Principal Bench in OA-2367/88 which was decided on 17.2.1993 following the decision given by the Bombay Bench in OA-373/87 between R.K. Jain v. Director General, Department of Telecommunications, New Delhi. We had quashed the seniority list of Assistant Engineers (Electrical) the direction to the respondents to prepare a fresh seniority list in accordance with OM No.22.12.1959 issued by the Ministry of Home Affairs within three months. We had further directed that the respondents shall "within the said period prepare a provisional seniority list in accordance with the said order and invite objections and after considering the objections,if received, prepare a final seniority list with utmost expedition."

3. Keeping in view the above decisions of the Tribunal in OAs which raised similar issues of law in the case of Assistant Engineers (Civil/Electrical) the appropriate direction to the respondents in this batch of cases, in our opinion, would be that the respondents shall prepare a revised seniority list within three months from the date of communication of this order on a provisional basis and circulate the same to all concerned with a view to invite objections, if any, to the seniority so assigned on a provisional basis. They shall, after considering the objections, prepare a final seniority list and advise

all concerned. The seniority list so prepared shall take into consideration the observations of the Bangalore Bench of the Tribunal that all similarly situate persons should be assigned seniority in accordance with the directions given therein.

4. The learned counsel for the official respondents Shri M.L. Verma submitted that a seniority list has been prepared by the respondents as on 1.2.1993 in accordance with the judgement of the Bangalore Bench. The said seniority list is not before us, nor have we any material to indicate if that seniority list was first prepared provisionally and circulated to invite objections, if any, and that the seniority list referred to has been finalised after considering such objections.

5. In the facts and circumstances of the case the respondents are, therefore, directed to proceed to make out provisional and final seniority list as per our directions in paragraph-3 above. We reserve liberty to the petitioners to approach the Court, if they are still aggrieved after the final seniority list has been prepared in accordance with our directions, as above. No costs.

6. Let a copy of this order be placed in the case files of these cases listed together.

(B.S. Hegde)
Member(J)

(I.K. Rasgotra)
Member(A)

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