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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. No. 1930/1990

New Delhi, dated the 15th Feb., 1995

CORAM

Hon'ble Shri P.T. Thiruvenkadam, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri G.S. Malia,  
Senior Welfare Inspector  
Northern Railway,  
Headquarter Office,  
Baroda House, New Delhi

... Applicant

(By Advocate Shri B.S. Maini )

v/s

Union of India : Through

The General Manager,  
Northern Railway,  
Baroda House, New Delhi

... Respondent

(By Advocate Shri P.S. Mahendru )

ORDER (ORAL)

1 Hon'ble Sh.P.T. Thiruvenkadam, Member(A) 27

Applicant has prayed for the  
following reliefs:-

- (1) quash the impugned order dated 6.9.89(Ann.A.1) by which the seniority given to him in the grade of Rs 2000-3200 got changed from 23.4.1986. to 3.9.87
- (2) direct the respondents to place the name of the applicant in the panel of APOs issued in 1989 at the proper place. and extend consequential benefits.

2.

Learned counsel for the applicant

assails the notice dated 6-9-89(Ann.A.1) by which the applicant's seniority in the grade of Rs 2000-3200 was

changed from 23.4.1986 to 3-9-1987 on a number of grounds. It is not necessary to go into grounds other than the ground mentioned at para 5.3. of the O.A. viz no show cause notice was issued prior to changing the seniority, adversely affecting the interest of the applicant. It was argued by the learned counsel for the applicant that the respondents had earlier changed the seniority of the applicant by notice dated 13-1-1989(Ann.A.3). As per this notice, the applicant's seniority in the grade of Rs 2000-3200 was back-dated w.e.f. 23.4.1986. It was explained, that this change occurred due to a decision taken in the PNM meeting on the seniority between one Shri Saxena and Dharam Singh. In view of the inter-se-seniority between Saxena, Dharam Singh, and the applicant the notice dated 13-1-1989 had to be issued as a consequential. The subsequent notice dated 6-9-1989, by which the benefit of seniority had been done away with in case of the applicant was issued without giving show cause notice to the applicant.

3. We see force in this argument and we hold that Annexure A-1 order has been illegally and accordingly we strike down the notice dated 6-9-89 by which the applicant's seniority in the grade of Rs 2000-3200 has been changed to 3-9-1987.

4. With regard to the second relief, namely, empanelment as APO in the panel issued in 1989, we note that the panel was issued on 23-1-1989. The applicant immediately sent a representation on 25-11-89(Ann.A.8) However, he had

approached this Tribunal against non-inclusion of his name in the panel, by this OA which was filed on 18.9.90. There had been a delay of about 20 months after submitting the representation. Learned counsel for the applicant argues that the applicant after submitting the representation met the concerned officers when he had been assured that his case was under prompt attention. In the meanwhile, seniority in the scale of Rs 2000-3200 was revised adversely and he had to represent against this. He submits that limitation should be reckoned with reference to the notice relating to the change of seniority. We are unable to appreciate this argument.

5. However, in the circumstances of the case and in the interest of justice, we give liberty to the respondents to take a final decision with regard to the seniority of the applicant in the grade of Rs 2000-3200 within a period of three months from the date of receipt of this order. It is needless to add that procedure as per of law has to be followed for changing of seniority, if any. <sup>after</sup> Therefore, if it is decided that the applicant's seniority in the grade of Rs 2000-3200 is to be reckoned from 23-4-1986, his case for inter-polation in the panel of APOs finalised in 1989 should be decided as per rules. This decision with regard to interpolation or otherwise is APOs panel should be taken within two months after the decision regarding the seniority of the applicant in the grade of Rs 2000-3200.

6. With the above directions, the OA is disposed of.

No costs.

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan)  
Member(J)

*P. T. Thiruvenkadam*

(P.T. Thiruvenkadam)  
Member(A)