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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.207/91

Dated this the 01st of February 1995.

Shri B.N. Dhoundiyal, Hon. Member(A)
Dr. A. Vedavalli, Hon. Member(J)

Shri P.R. Dhamija,
Assistant Business Manager,
Publication Division N.H.IV,
Feeder Store, NH.IV,
Faridabad (Haryana),
Pincode 120 001. ...Applicant

By Advocate: Shri A.K. Behera.

Versus

Union of India through

1. The Secretary,
Ministry of Information & Broadcasting,
Publication Division,
Shastri Bhawan,
New Delhi.
2. Director of Publication,
Publication Division,
Ministry of Information & Broadcasting,
Patiala House, New Delhi.
3. Shri Mangat Ram,
Assistant Business Manager,
Publication Division,
Ministry of Information & Broadcasting,
Patiala House, New Delhi.

By Advocate: Shri M.L. Verma.

O R D E R

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

The applicant Shri P.R. Dhamija is employed at present as Assistant Business Manager, Feeder Store in the Publication Division of the Ministry of Information & Broadcasting, New Delhi. The main grievance of the applicant herein is against the revision of his seniority by the department through the circulation of the impugned seniority list dated 6th/10th September, 1990 (vide OM.No.12026/1/90-Admn.1 - Annexure A-1), without giving a reply to his representations seeking rectification of the earlier draft seniority list dated 1.1.90 (vide

Dr.

OM.No.12025/1/89-Admn.I, Annexure A-IV). It is contended by him that the said action of the department which has affected his seniority adversely without due consideration of his representations is arbitrary, discriminatory, malafide and violative of principles of natural justice and is liable to be quashed.

2. Respondents No.1&2 in their reply to the OA have admitted that no written reply was issued to the various representation of the applicant. They have however stated that the matter was discussed in detail with the applicant and that he appeared satisfied with the correctness of the inter se seniority list in the grade of Business Executive.

They have further stated inter alia that Shri Mangat Ram, a direct candidate recommended by the UPSC for the post of Business Executive in the Publications Division was appointed as Business Executive in the direct recruitment quota against the reserved vacancy for SC candidates as per roster for SC candidates. As per Recruitment Rules, the posts of Business Executive are filled up 50% by promotion and 50% by direct recruitment. Shri Mangat Ram was appointed as Business Executive on regular basis w.e.f. 8.4.1983 against a direct recruitment vacancy while Shri P.R. Dhamija was appointed as Business Executive on regular basis w.e.f. 24.3.1984 against a vacancy for the promotees. Therefore, he is junior to Shri Mangat Ram in the grade of Business Executive. Shri Mangat Ram was promoted as Assistant Business Manager w.e.f.

[Signature]

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18.5.1985 or till such time the post is filled on regular basis whichever is earlier. Thus he is junior to Shri Mangat Ram.

3. Respondent No.3 Shri Mangat Ram who was shown as senior to the applicant in the impugned order (Annexure A-1) has not filed any reply to the OA in spite of sufficient opportunities given to him.

4. On a careful consideration of the matter, we are of the view that the department ought to have given a reply to the concerned representations made by the applicant after due consideration of the same as per well settled principles of fairness, reasonableness and natural justice.

5. In view of the above, respondents No.2 & 3 are directed to consider the concerned representations submitted by the applicant on merits and in accordance with law and pass an appropriate speaking order and communicate the same to the applicant within a period of one month from the date of receipt of a copy of this order.

6. The OA is disposed of accordingly. No order as to costs.

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

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B.N. Dhoundiyal
(B.N. Dhoundiyal)
Member(A)