



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 3990/2017

This the 24th day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Akshaya Kumar Sahoo,
S/o Sh. Shyam Sunder Sahoo,
Working as Deputy Registrar of Companies,
(NCT of Delhi and Haryana),
Under Ministry of Corporate Affairs,
R/o 138/E, IIIrd Floor,
Dr. Kapoor Lane, Munirka,
New Delhi- 110067.

... Applicant

(By Advocate : Mr. Pankaj Batra)

Versus

1. Union of India,
Through Secretary to Govt. of India,
Ministry of Corporate Affairs,
Government of India,
Shastry Bhawan,
New Delhi.
2. Ms. P. Balakrishnan STS Officer.
3. Sh. C. Rupchander STS Officer.
4. Sh. P. C. Nandakumar STS Officer.
5. Sh. J.P. Roychoudhary STS Officer.
6. Sh. T. K. Mukherjee STS Officer.
7. Sh. Kamal Harjani STS Officer.
8. Sh. K. C. Meena STS Officer.
9. Sh. V.E. Josekutty STS Officer.



10. Sh. R. K. Bakshi STS Officer.
11. Sh. R.P. Vimal STS Officer.
12. Ms. Anita Klair STS Officer.
13. Sh. M. S. Pachouri STS Officer.
14. Ms. V. N. Khandre STS Officer.
15. Sh. Rajender Singh STS Officer.
16. Sh. Hariharsahoo STS Officer.

... Respondents

(By Advocate : Mr. Hanu Bhaskar)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant was appointed in Junior Time Scale (JTS) in the Ministry of Corporate Affairs in February, 2009. He was promoted to the Senior Time Scale (STS) in the year, 2016. In relation to fixation of his seniority vis-à-vis some promotees to that post, he made representations. Similar representations were also made by other officers. A common order was passed vide OM dated 12.08.2015 dealing with the various contentions advanced by the applicant and various other officers. Feeling aggrieved by that, the applicant filed this OA with a prayer to set aside that OM and to extend him, the seniority in JTS and consequential seniority in STS on the basis of year of allotment as well as date of joining of the service.

2. The applicant contends that he was appointed against the vacancies of the year 2001-02 and 2003-04 and they were carried forward to the year 2005-06, and though the order of appointment came to be



issued in the year 2009, he was entitled to be extended the benefit of seniority referable to the vacancy year 2001-02 and 2003-04 or at least of the year 2005-06. He contends that the officers who joined much after the date of his joining, were assigned the seniority at higher level simply because they were from the promotion category. Various other contentions were also urged by the applicant.

3. The respondents filed a detailed counter affidavit. It is stated that the seniority in JTS was published in the year 2010, 2011 and 2012 though in a tentative manner, and the applicant did not object to them. It is stated that by taking into account, the memo dated 10.10.2014 issued by the Government, a tentative seniority list was published for JTS and that was followed by a final seniority list. The respondents contend that the applicant cannot take the objection after he was promoted. Various contentions urged by the applicant are also denied.

4. Today, we heard Mr. Pankaj Batra, learned counsel for the applicant and Mr. Hanu Bhaskar, learned counsel for the respondents, through video conferencing.

5. The issue raised by the applicant is about the seniority of JTS in the Ministry of Corporate Affairs. It has already been mentioned that the applicant was appointed in February, 2009. The record discloses that the appointment to JTS is by way of direct recruitment as well as by promotion from the feeder category. For one reason or the other, the promotion through the direct recruitment could not take



place in the year 2001-02 and 2003-04. Those vacancies were carried forward to the vacancy year 2005-06. It is with reference to those vacancies that the applicant came to be selected and appointed.

6. Once the source of appointment to a particular post is by direct recruitment as well as promotion, the process of interspersing has to take place. In certain cases the direct recruits figure enblock above the promotees and in the other cases interspersing is done depending upon the ratio. In the instant case, the administration has adopted a principle of interspersing the direct recruits referable to the particular year with the promotes and thereafter to put the officers selected against the carried forward vacancies enblock, below the last of the officer of that particular year whether direct recruitee or promotee.

7. The applicant has been selected against the carried forward vacancies and obviously for that reason, he was placed a bit down in the list. The respondents published a tentative seniority list in the year 2010, 2011 and 2012 after the applicant was promoted. The record discloses that there was any serious opposition to that. An officer by name Shri Harihar Sahoo was from the promotion category but joined the post a bit later than the applicant. He was placed above the applicant and other direct recruit officers.

8. The applicant is mostly guided by the dates of joining of himself and Shri Harihar Sahoo. However, that does not become relevant, once the slots are allotted and identified for the direct recruits on the one hand and promotee on the other hand. The slot in the seniority



will remain intact irrespective of the date on which the concerned officer joined. This is particularly so with reference to promotees, though it may have some impact on the direct recruits. After consideration of the representation of the applicant, the respondents made the following observation:-

“ In this regard it is stated that the vacancies under the direct quota occurred during 2001-02 to 2003-04 are reported to UPSC 20th October 2005, taken as vacancies for the vacancy year 2005-06 and selected officer has been placed below the last promoted officer recommended by UPSC against the vacancy year 2004-05.”

9. Once the applicant does not dispute that he was appointed against the carried forward vacancy, he cannot object to his being placed below the officer, who was appointed with reference to the vacancy year 2005-06. The basis there for is mentioned in para-3 of that order. Due protection is granted to the officers who are appointed against the vacancies meant for 2005-2006. It is only the officers appointed against the carried forward vacancies that are placed enblock, below the last of the candidates of that particular year whether direct recruits or promotees.

10. We do not find any illegality or irregularity in the OA and the OA is accordingly dismissed.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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