

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



**OA No. 329/2019  
MA No. 386/2019**

**This the 12<sup>th</sup> day of May, 2021**

(Through Video Conferencing)

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

1. Sh. V.K.K. Nadimpalli  
S/o late N.S.R. Pantulu  
Dy. Development Commissioner  
Age 57 years  
Group A, Ministry of Finance  
IES Division  
Department of Economic Affairs  
North Block, New Delhi-110001.  
R/o APSEZ, 9<sup>th</sup> Floor  
VUDA Complex, Visakhapatnam-530003(AP)
2. Hari Prasad Jaiswal  
S/o late Sampat Lal Jaiswal  
Age 57 years  
Dy. Director, Group A  
Ministry of Finance  
IES Division  
Department of Economic Affairs  
North Block, New Delhi-110001.  
R/o 402, Sector 4  
RK Puram, New Delhi-110022.
3. Sunil Kumar Gupta  
S/o Shri Ram Kumar Gupta  
Age about 55 years  
Dy. Director, Group A  
Ministry of Finance  
IES Division  
Department of Economic Affairs  
North Block, New Delhi-110001.  
R/o C-22A, Rajat Vihar  
Sector 62, Noida, UP-201201.



4. Utpal Nath  
S/o late Jitender Chandra Nath  
Age about 52 years  
Dy. Director Group A  
Ministry of Finance  
IES Division  
Department of Economic Affairs  
North Block, New Delhi-110001.  
R/o 46-C, Vijay Mandal Enclave  
Kalu Sarai, Hauz Khas  
New Delhi-110016.

5. Magan Lal Meena  
s/o Shri Jairam Meena  
age 57 years  
Dy. Director Group A  
Ministry of Finance  
IES Division  
Department of Economic Affairs  
North Block, New Delhi-110001.  
Room No. 535  
Neeti Aayog, Parliament Street  
New Delhi 110001.

... Applicants

(By Advocate: Mr. M. Vijaya Bhaskar)

## Versus

1. Union of India, through Secretary  
Micro Small & Medium Enterprises (MSME)  
Udyog Bhavan, New Delhi-110001.
2. Development Commissioner... Respondents  
Micro Small & Medium Enterprises (MSME)  
Nirman Bhavan, New Delhi-110001.
3. Union of India  
Through Secretary  
Dept. of Economic Affairs  
Ministry of Finance, North Block, New Delhi-110001.
4. The Adviser  
IES Division, Dept. of Economic Affairs  
North Block, New Delhi-110001.



5. Union of India  
 Through Secretary  
 Dept of Personnel & Training  
 North Block, New Delhi-110001. ....Respondents  
 (By Advocate : Mr. U. Srivastava)

## O R D E R (ORAL)

### **Justice L. Narasimha Reddy, Chairman :**

The applicants joined the service of the Department of Micro, Small and Medium Enterprise (MSME) in the year 1997, as Economic Officers. The selection is said to be for the vacancies of the year 1995. In the context of fixation of the seniority between the direct recruits and promotees, there existed some uncertainty. In its judgment in ***N.R. Parmar & Ors. Vs. Union of India & Ors.***, the Hon'ble Supreme Court held that the irrespective of the date on which the direct recruit is actually appointed, the seniority shall be reckoned from the date on which the selection process is initiated/indented to the selecting agency. However, in the recent past, the Hon'ble Supreme Court reversed the said decision in ***K. Meghachandra Singh vs. Ningam Siro, 2020 (5) SCC 689.***

2. Placing reliance upon the OM dated 04.03.2014, the applicants filed this OA with a prayer to direct the respondents to implement the said OM in their case and then to fix their seniority with retrospective benefits.

Item No. 32



3. Respondents 1 to 5 filed a detailed reply. They referred to various changes in law that have taken place in the context of fixation of seniority.

4. Today, we heard Sh. M. Vijaya Bhaskar, learned counsel for the applicants, and Sh. Hanu Bhaskar, learned counsel for the respondents.

5. The controversy in this OA is about the method of fixation of seniority of the applicants vis-à-vis the officers, who were appointed on promotion to the said post. There used to be some uncertainty about method of fixation of seniority between two categories. In N.R. Parmar (supra), the Hon'ble Supreme Court held that irrespective of the date on which the direct recruit is actually appointed, they shall be entitled to reckon the seniority with reference to the date on which the selection process was initiated. However, the said judgment was overruled by the Hon'ble Supreme Court through its judgment in K. Meghachandra Singh (supra). It was held that no officer or employee can claim seniority with reference to a date earlier to the one, on which he was appointed. Even while holding so, their Lordships protected the seniority lists, which have already became final on the basis of judgment in N.R. Parmar (supra).



6. The applicants are not clear as to whether their seniority was fixed already in accordance with N.R. Parmar (supra). These are the issues, which can be addressed only, if a representation is made by the applicants to the respondents.

7. We, therefore, dispose of the OA leaving it open to the applicants to make a representation ventilating their grievances as regards fixation of seniority, duly enclosing all the relevant documents. We direct the respondents to pass an appropriate orders within a period of three months from the date of receipt of such representation, duly taking into account all the relevant factors including the judgment of the Hon'ble Supreme Court in N.R. Parmar and K. Meghachandra Singh's case.

8. Pending MA also stands disposed of. There shall be no order as to costs.

**(Tarun Shridhar)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/vb/ns/dsn