

CENTRAL ADMINISTRATIVE TRIBUNAL *(A)*
AHMEDABAD BENCH

O.A. NO. 115/89
T.A. NO.

DATE OF DECISION 5-8-94

Shri N.G. Raver and Others **Petitioner**

Shri J.J. Yajnik **Advocate for the Petitioner (s)**

Versus

Union of India and Others **Respondent**

Mr. Akil Kureshi **Advocate for the Respondent (s)**

CORAM

The Hon'ble Mr. K. Ramamoorthy **Member (A)**

The Hon'ble Mr. Dr. R.K. Saxena **Member (J)**

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

N.D

(3)

Shri N.G. Raver
 Smt. N.J. Oza
 Shri K.P. Patel

Applicants

Advocate Mr. J.J. Yajnik

Versus

1. Union of India
 to be served through the
 Secretary, Ministry of
 Commerce, Udyog Bhavan,
 New Dehli.
2. The Joint Chief Controller
 of Imports and Exports,
 New C.G.O. Building, Marine Lines
 Churchgate Bombay.
3. The Joint Chief Controller of
 Imports and Exports, M.S. Building
 Laldarwaja, Ahmedabad.

Respondents.

Advocate Mr. Akil Kureshi

O R A L O R D E R

In

Date: 5-8-94

O.A. 115 of 1989

Per Hon'ble Dr. R.K. Saxena

Member (J)

This application has been filed by Shri N.G. Raver
 Smt. N.J. Oza and Shri K.P. Patel challenging the order
 dated 21-9-1988, Annexure A-10 in which it was mentioned that
 the services after regularisation on the basis of the Staff
 Selection Commission Examination alone should be taken into
 consideration. Besides, the Seniority List issued by circular

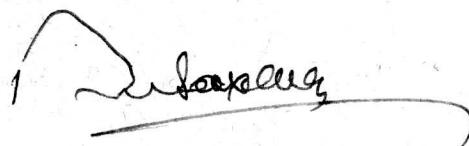
56/81 dated 5-11-1981, Annexure A-6, has also been challenged.

2. Briefly stated the facts of the case are that these applicants joined as L.D.C. in the office of Joint Chief Controller of Imports and Exports (now designated as Joint Controller General of Foreign Trade) in the year 1979 & 1980 on ad hoc basis. The regular procedure for appointment was through Staff Selection Examination. It is brought on record on behalf of the respondents that during these years the candidates who were selected through Staff Selection Examination were not made available and therefore the appointments on adhoc basis were made. Subsequently these applicants also qualified the Examination of Staff Selection Commission in the year 1982 and 1987. The respondents fixed their seniority from the date when they — were declared qualified by the Staff Selection Commission. Their grievance is that 15 L.D.Cs were appointed along with them in the year 1979 and they either did not appear in the examination of Staff Selection Commission or if some of them did appear , they — failed, yet they were given senior position to the applicants. The contention of the respondents during the arguments, in this respect, is that all these 15 persons who were appointed at Bombay alongwith these applicants, were served with notice of termination, but they had instituted O.A. 162/91, before the Bombay Bench of Central Admn. Tribunal, which set aside the order of termination.

on 24-5-1993. It was because of this judgment that those 15 persons at Bombay were allowed to continue. This seniority list which is also under challenge from the side of the applicants, could not be satisfactorily explained by the respondents. The learned counsel for the applicants, further argued that those persons who either failed to pass the Staff Selection Examination or made an attempt but failed, yet they have been promoted and are working on the promotion posts. During the argument it is also pointed out that one Chandrashekhar who qualified the Staff Selection Examination in the year 1984, was given seniority of 1982. In this way, there appears some confusion in the determination of seniority of not only of applicants but also of other persons. The learned counsel for the applicants, is prepared to make representation to the respondents for taking ~~into~~ all these facts and circumstances ^{into} consideration and to re-draw the seniority list. The learned counsel for the respondents is also agreeable to the point. The result, therefore, is that the application which is required to be withdrawn is allowed with the direction that the applicants shall move representation within a period of ^{one} month indicating all details and the respondents shall after giving an opportunity of explaining the circumstances, may decide the dispute of seniority within a period of three months thereafter. The respondents shall further consider the manner in which the seniority of 15 persons posted at Bombay was determined. The applicants are at liberty to move this Tribunal.

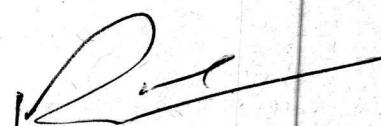
(12)

if any grievance still remains. No order as to costs.



(Dr. R.K. Saxena)
Member (J)

*AS.



(K. Ramamoorthy)
Member (A)