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Order dated 18.12.2001

This Original Application has been filed for quashing the orders at Annexure-3 and 5 with prayer for redrawing up the seniority involving the applicants.

Learned Special counsel for the respondents Shri S.S. Mohanty has filed a Memo after serving copy on the other side.

We have heard Shri H.P.Rath, learned counsel for the petitioners, Shri U.B.Mohapatra, learned Addl. Standing Counsel for Respondent No.1 and Shri S.S.Mohanty, learned special counsel appearing on behalf of the other departmental respondents. Shri Mohanty has filed a Memo stating that during pendency of this O.A., Additional Commissioner of Provident Fund has issued Circular dated 23.5.2001 directing refixation of seniority on the basis of the principle laid down by the Madras Bench of the Tribunal, which has been upheld by the Hon'ble Supreme Court vide Civil Appeal No.4456-59/92, enclosed to the Memo. It is submitted by the learned special counsel that as the seniority is going to be drawn up in the light of the principles decided, as above, this O.A. has become infructuous. Shri Rath, the learned counsel for the petitioners submitted that in order dated 23.5.2001 directing refixation of seniority, it has been specifically mentioned in Para-12 that the seniority list prepared and finalized in respect of any cadre in the Region consequent upon specific direction of the C.A.T. and High Courts may not be reopened and therefore, while drawing up the seniority list afresh this direction in Para-12 must be scrupulously followed. After

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hearing learned counsels for the parties, we hold that the O.A. has become infructuous in view of the fact that the departmental authorities have already directed for fixation of seniority afresh. We also direct that while drawing up of the seniority list afresh, instruction in Para-12 of the circular dated 23.5.2001 should be scrupulously followed.

With the above observation, O.A. is disposed of.

No costs.

MEMBER (JUDICIAL)

V. S. NATHAN
VICE-CHAIRMAN
18/12/2001

Free copy of
the order
dt-18.12.01 given
to the both counsel.

Patra
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