

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.502/95 and O.A.1171/95

Tuesday, this the 3rd day of September, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.502/95

1. PP Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Khalifa Building XLIV/126,
Kochi-18.

2. KP Chandran,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Khalifa Building, XLIV/126,
Kochi-18.

- Applicants

By Advocate Mr TC Govindaswamy

Vs

1. Union of India through
the Secretary to Government of India,
Ministry of Water Resources,
New Delhi.

2. The Chairman,
Central Water Commission,
Sewa Bhavan, R.K.Puram,
New Delhi.

3. Under Secretary (Establishment-II),
Central Water Commission,
Sewa Bhavan, R.K.Puram,
New Delhi.

4. Executive Engineer,
Central Water Commission,
South Western Rivers Division,
No.126/XLIV,
Kaloore, Kochi-18.

KM Mukundan,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Kochi-18.

- Respondents



6. PRN Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Kochi-18.

- Respondents

By Advocate Mr PV Mohanan(for R.5&6)

O.A.1171/95

1. KM Mukundan,
Upper Division Clerk,
Central Water Commission,
South Western Rivers Division,
Khaleefa Building, SRM Road,
Cochin-18.
2. PRN Pillai,
Upper Division Clerk,
Central Water Commission,
South Western Rivers Division,
Khaleefa Building, SRM Road,
Cochin-18.

- Applicants

By Advocate Mr PV Mohanan

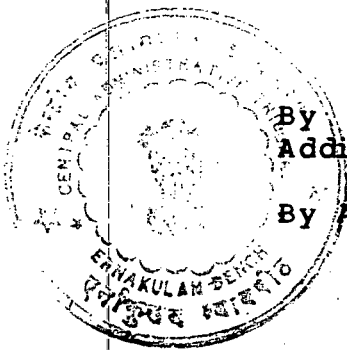
Vs

1. The Secretary to Government of India,
Ministry of Water Resources,
Shram Shakti Bhavan,
Rafi Marg, New Delhi.
2. The Director,
Central Water Commission,
Room No.806, Sewa Bhavan,
R.K.Puram, New Delhi.
3. The Executive Engineer,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Cochin-18.
4. PP Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Cochin-18.
5. KP Chandran,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Cochin-18.

- Respondents

By Advocate Mr Saji Varghese for Mr PR Ramachandra Menon,
Additional Central Government Standing Counsel(for R.1 to 3)

By Advocate Mr TC Govindaswamy(for R.4&5)



The applications having been heard on 3.9.96 the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

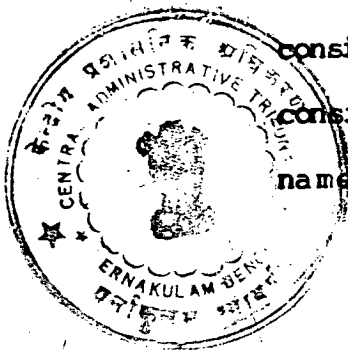
Applicants in O.A.502/95 challenge the seniority granted to applicants in O.A.1171/95 by A-10 order. A-10 order was cancelled by A-11, and that is challenged by applicants in O.A.1171/95.

2. Applicants in O.A.1171/95 were employed in the Trisuli Hydel Project in Nepal and were absorbed in the service of the Government of India later. By reason of A-6 order(O.A.1171/95) their service in the project was taken into consideration for reckoning seniority, and consequently A-10 order was passed. It was at this juncture that O.A.502/95 was filed and close on the heels of O.A.502/95, A-10 was cancelled by A-11(O.A.1171/95).

3. We do not propose to consider whether the cancellation is proper or not because, A-11(O.A.1171/95) itself states that after cancelling A-10, the whole matter is engaging the attention of the Government. The endorsement in A-11 reads:

"..the case in respect of S/Shri KM Mukundan and P.R.N.Pillai is under consideration in this office and appropriate decision will be taken and communicated .."

We understand this to mean that the question whether service in the Trisuli Hydel Project will count for seniority is under consideration. We need only say that this issue cannot be considered in isolation, with reference to two employees only' namely, Mukundan and PRN Pillai. When seniority is being



revised notice should be given to all persons who may be affected. We direct respondent-Government to consider the question whether service rendered by applicants in O.A.1171/95 in the Trisuli Hydel Project would count for seniority. If they feel that it would, and if seniority is to be revised, then Government will consider representations of all the persons in the seniority list by issuing notice to them by publication or circulation within thirty days from today, and thereafter the Government will consider the representations and pass final orders within six months from the date of issue of notice.

4. Both the applications are disposed of as aforesaid. No costs.

Dated, the 3rd September, 1996.

Adl-
PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Adl-
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

CERTIFIED TRUE COPY

Date 6.9.96

m
Deputy Registrar

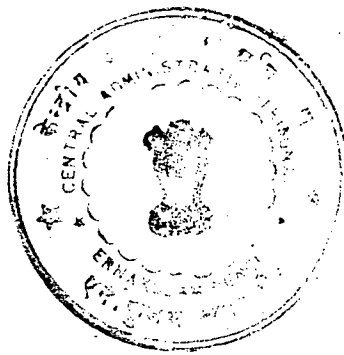
o/c
6/9/96



6/9/96

List of Annexures in O.A. 1171/95

- Annexure A6:** True copy of the proceedings dated 27/9/1973 issued by the Superintending Engineer, Central Water & Power Commission.
- Annexure A10:** True copy of the proceedings No.C-18013/1/93-Estt. VII dated 21/3/95 by 1st respondent with covering letter dated 22/3/95.
- Annexure A11:** True copy of the proceedings (Order) No.C-18013/1/95-Estt-VII dated 25/7/1995 by 2nd respondent.



CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.502/95 and O.A.1171/95

Tuesday, this the 3rd day of September, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.502/95

1. PP Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Khalifa Building XLIV/126,
Kochi-18.
2. KP Chandran,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Khalifa Building, XLIV/126,
Kochi-18.

- Applicants

By Advocate Mr TC Govindaswamy

Vs

1. Union of India through
the Secretary to Government of India,
Ministry of Water Resources,
New Delhi.
2. The Chairman,
Central Water Commission,
Sewa Bhavan, R.K.Puram,
New Delhi.
3. Under Secretary (Establishment-II),
Central Water Commission,
Sewa Bhavan, R.K.Puram,
New Delhi.
4. Executive Engineer,
Central Water Commission,
South Western Rivers Division,
No.126/XLIV,
Kaloor, Kochi-18.
5. KM Mukundan,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Kochi-18.

- Respondents



6. PRN Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Kochi-18.

- Respondents

By Advocate Mr PV Mohanan(for R.5&6)

O.A.1171/95

1. KM Mukundan,
Upper Division Clerk,
Central Water Commission,
South Western Rivers Division,
Khaleefa Building, SRM Road,
Cochin-18.
2. PRN Pillai,
Upper Division Clerk,
Central Water Commission,
South Western Rivers Division,
Khaleefa Building, SRM Road,
Cochin-18.

- Applicants

By Advocate Mr PV Mohanan

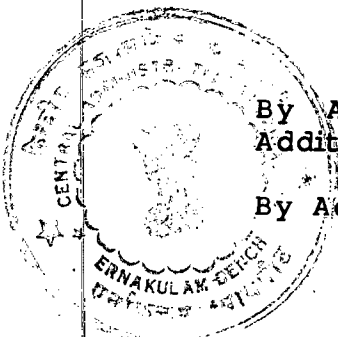
Vs

1. The Secretary to Government of India,
Ministry of Water Resources,
Shram Shakti Bhavan,
Rafi Marg, New Delhi.
2. The Director,
Central Water Commission,
Room No.806, Sewa Bhavan,
R.K.Puram, New Delhi.
3. The Executive Engineer,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Cochin-18.
4. PP Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Cochin-18.
5. KP Chandran,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Cochin-18.

- Respondents

By Advocate Mr Saji Varghese for Mr PR Ramachandra Menon,
Additional Central Government Standing Counsel(for R.1 to 3)

By Advocate Mr TC Govindaswamy(for R.4&5)



The applications having been heard on 3.9.96 the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants in O.A.502/95 challenge the seniority granted to applicants in O.A.1171/95 by A-10 order. A-10 order was cancelled by A-11, and that is challenged by applicants in O.A.1171/95.

2. Applicants in O.A.1171/95 were employed in the Trisuli Hydel Project in Nepal and were absorbed in the service of the Government of India later. By reason of A-6 order(O.A.1171/95) their service in the project was taken into consideration for reckoning seniority, and consequently A-10 order was passed. It was at this juncture that O.A.502/95 was filed and close on the heels of O.A.502/95, A-10 was cancelled by A-11(O.A.1171/95).

3. We do not propose to consider whether the cancellation is proper or not because, A-11(O.A.1171/95) itself states that after cancelling A-10, the whole matter is engaging the attention of the Government. The endorsement in A-11 reads:

"..the case in respect of S/Shri KM Mukundan and P.R.N.Pillai is under consideration in this office and appropriate decision will be taken and communicated .."

We understand this to mean that the question whether service in the Trisuli Hydel Project will count for seniority is under consideration. We need only say that this issue cannot be considered in isolation, with reference to two employees only, namely, Mukundan and PRN Pillai. When seniority is being



revised notice should be given to all persons who may be affected. We direct respondent-Government to consider the question whether service rendered by applicants in O.A.1171/95 in the Trisuli Hydel Project would count for seniority. If they feel that it would, and if seniority is to be revised, then Government will consider representations of all the persons in the seniority list by issuing notice to them by publication or circulation within thirty days from today, and thereafter the Government will consider the representations and pass final orders within six months from the date of issue of notice.

4. Both the applications are disposed of as aforesaid. No costs.

Dated, the 3rd September, 1996.

Sdl-
PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Sdl-
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN



CERTIFIED TRUE COPY


Date 6.9.96

[Signature]
Deputy Registrar

12
6/9/96

6/9/96

List of Annexures in O.A. 1171/95

- Annexure A6:** True copy of the proceedings dated 27/9/1973 issued by the Superintending Engineer, Central Water & Power Commission. 
- Annexure A10:** True copy of the proceedings No.C-18013/1/93-Estt. VII dated 21/3/95 by 1st respondent with covering letter dated 22/3/95.
- Annexure A11:** True copy of the proceedings (Order) No.C-18013/1/95-Estt-VII dated 25/7/1995 by 2nd respondent.



FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULE

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.502/95 and O.A.1171/95

Tuesday, this the 3rd day of September, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.502/95

1. PP Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Khalifa Building XLIV/126,
Kochi-18.
2. KP Chandran,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Khalifa Building, XLIV/126,
Kochi-18.

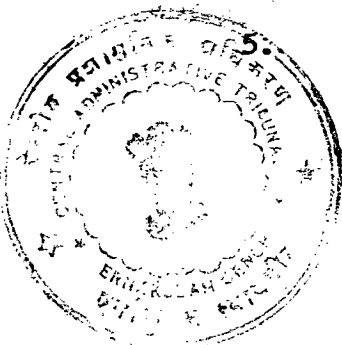
- Applicants

By Advocate Mr TC Govindaswamy

Vs

1. Union of India through
the Secretary to Government of India,
Ministry of Water Resources,
New Delhi.
2. The Chairman,
Central Water Commission,
Sewa Bhavan, R.K.Puram,
New Delhi.
3. Under Secretary(Establishment-II),
Central Water Commission,
Sewa Bhavan, R.K.Puram,
New Delhi.
4. Executive Engineer,
Central Water Commission,
South Western Rivers Division,
No.126/XLIV,
Kaloor, Kochi-18.
5. KM Mukundan,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Kochi-18.

- Respondents



6. PRN Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Kochi-18.

- Respondents

By Advocate Mr PV Mohanan(for R.5&6)

O.A.1171/95

1. KM Mukundan,
Upper Division Clerk,
Central Water Commission,
South Western Rivers Division,
Khaleefa Building, SRM Road,
Cochin-18.
2. PRN Pillai,
Upper Division Clerk,
Central Water Commission,
South Western Rivers Division,
Khaleefa Building, SRM Road,
Cochin-18.

- Applicants

By Advocate Mr PV Mohanan

Vs

1. The Secretary to Government of India,
Ministry of Water Resources,
Shram Shakti Bhavan,
Rafi Marg, New Delhi.
2. The Director,
Central Water Commission,
Room No.806, Sewa Bhavan,
R.K.Puram, New Delhi.
3. The Executive Engineer,
South Western Rivers Division,
Central Water Commission,
No.126/XLIV, Cochin-18.
4. PP Pillai,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Cochin-18.
5. KP Chandran,
Upper Division Clerk,
South Western Rivers Division,
Central Water Commission,
Cochin-18.

- Respondents

By Advocate Mr Saji Varghese for Mr PR Ramachandra Menon,
Additional Central Government Standing Counsel(for R.1 to 3)

By Advocate Mr TC Govindaswamy(for R.4&5)



The applications having been heard on 3.9.96 the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

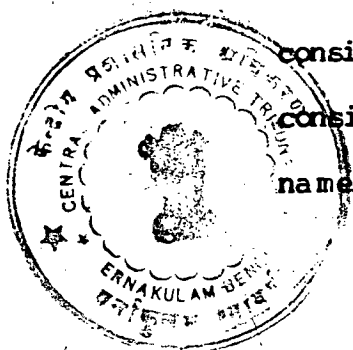
Applicants in O.A.502/95 challenge the seniority granted to applicants in O.A.1171/95 by A-10 order. A-10 order was cancelled by A-11, and that is challenged by applicants in O.A.1171/95.

2. Applicants in O.A.1171/95 were employed in the Trisuli Hydel Project in Nepal and were absorbed in the service of the Government of India later. By reason of A-6 order(O.A.1171/95) their service in the project was taken into consideration for reckoning seniority, and consequently A-10 order was passed. It was at this juncture that O.A.502/95 was filed and close on the heels of O.A.502/95, A-10 was cancelled by A-11(O.A.1171/95).

3. We do not propose to consider whether the cancellation is proper or not because, A-11(O.A.1171/95) itself states that after cancelling A-10, the whole matter is engaging the attention of the Government. The endorsement in A-11 reads:

"..the case in respect of S/Shri KM Mukundan and P.R.N.Pillai is under consideration in this office and appropriate decision will be taken and communicated .."

We understand this to mean that the question whether service in the Trisuli Hydel Project will count for seniority is under consideration. We need only say that this issue cannot be considered in isolation, with reference to two employees only namely, Mukundan and PRN Pillai. When seniority is being



revised notice should be given to all persons who may be affected. We direct respondent-Government to consider the question whether service rendered by applicants in O.A.1171/95 in the Trisuli Hydel Project would count for seniority. If they feel that it would, and if seniority is to be revised, then Government will consider representations of all the persons in the seniority list by issuing notice to them by publication or circulation within thirty days from today, and thereafter the Government will consider the representations and pass final orders within six months from the date of issue of notice.

4. Both the applications are disposed of as aforesaid. No costs.

Dated, the 3rd September, 1996.

dd-
PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

dd-
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

CERTIFIED TRUE COPY

Date 6.9.96

m
Deputy Registrar

de
6/9/96

6/9/96

trs/39



List of Annexures in O.A. 1171/95

- Annexure A6:** True copy of the proceedings dated 27/9/1973 issued by the Superintending Engineer, Central Water & Power Commission.
- Annexure A10:** True copy of the proceedings No.C-18013/1/93-Estt. VII dated 21/3/95 by 1st respondent with covering letter dated 22/3/95.
- Annexure A11:** True copy of the proceedings (Order) No.C-18013/1/95-Estt-VII dated 25/7/1995 by 2nd respondent.

