

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.543/2001

Tuesday this the 20th day of May, 2003.

C O R A M

**HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER**

V.Gopakumar
Groundsman
Lakshmibai National College of
Physical Education (LNCPE)
Kariavattom
Thiruvananthapuram

Applicant

[By Advocate Mr. K.C.Eldho]

Vs.

1. The Principal
Lakshmibai National College of
Physical Education (LNCPE)
Trivandrum
2. The Secretary
Sports Authority of India
J.N.(Jawaharlal Nehru) Stadium
New Delhi.
3. Union of India represented by the
Secretary to the Government,
Department of Sports
Central Secretariat,
New Delhi.
4. Parameswaran Pillai M
Groundsman
Lakshmibai National College of
Physical Education (LNCPE)
Trivandrum
5. Pratapachandran C.B
Groundsman
Lakshmibai National College of
Physical Education (LNCPE)
Trivandrum
6. Ajithkumar A
Groundsman
Lakshmibai National College of
Physical Education (LNCPE)
Trivandrum
7. Gopa Kumar P
Groundsman
Lakshmibai National College of
Physical Education (LNCPE)
Trivandrum

Respondents

[By Advocate Mr.Govindh K.Bharathan (R 1 & 2)
Mr.Vishnu S.Chempazhanthiyil (R 4 to 7)
Mr.C.Rajendran, SCGSC (R3)]

The application having been heard on 20.05.2003, the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN.

The applicant was working as Security Guard under the 1st respondent from 5.09.1985. By order dated 19.05.1988 the applicant was appointed as Groundsman on a temporary basis. Thereafter the applicant as also the respondents 4 to 7 were confirmed on the post of Groundsman Grade - III. The next promotion post of the applicant is Groundsman Grade - II. Finding that in the seniority list of Groundsman Grade - III as on 1.03.2000 (Annexure A-4) the applicant was placed at Sl.No.5 while the private respondents 1 to 4 were placed above the applicant despite the fact that the applicant has joined the post on 20.05.1988 whereas the private respondents joined only on 21.05.1988 Applicant submitted representation seeking revision of seniority list of Groundsman Grade III above the respondents 4 to 7. The representation was rejected by order dated 12.01.2001 (Annexure A-6) informing the applicant that the placement in the seniority list was not based on the date of joining but the merit in the select list. Aggrieved by the seniority list, the applicant has filed this Original Application seeking to set aside the impugned orders Annexure A-4 and A-6 and for a direction to the respondents to revise Annexure A-4 seniority list and grant him seniority above the respondents 4 to 7. It is alleged in the Original Application that neither any written test or interview was held nor any rank list published and therefore granting seniority to respondents 4 to 7 over and above the applicant ignoring the applicant's superior claim is illegal and irrational.

..3/-

2. The respondents 1 to 3 in their reply statement resist the claim of the applicant. They contend that when six posts of Groundsmen were sanctioned the Departmental Promotion Committee which met on 14.05.1988 first considered the Respondents 4 to 7 who were working as casual Groundsmen, placed them in the panel on the basis of the experience, suitability and seniority, that as no post of Security Guard was sanctioned, to give the casual Security Guards a chance for regular appointment. The applicant and a person junior to him both working as Casual Security Guards were placed at Sl.Nos.5 and 6 in the list and that the assignment of seniority was made on the basis of their merit in the select list. The date of joining which is a fortuitous circumstance does not determine seniority contend the respondents. They contend that the application is devoid of merit. The Respondents 4 to 7 also have filed a statement raising similar contentions.

3. We have gone through the materials placed before us and heard the learned counsel for the applicant Mr.K.C.Eldho, learned counsel for R 1 & 2 Mr.Govindh K.Bharathan and learned counsel for R 4 to 7 Mr.Vishnu S.Chempazhanthiyil. It is well accepted principle in service law that placement in the select list for appointment would determine the seniority and the date of joining is not the decisive factor. On a perusal of Annexure R-1A, the minutes of the Departmental Promotion Committee meeting, would make it abundantly clear that respondents 4 to 7 who were working as casual Groundsmen on daily wages were first considered on the basis of merit and experience and the applicant and another were working as casual Security Guards were considered for appointment against the two remaining vacancies as no posts of Security Guards had been sanctioned.

4. It is thus evident that the seniority of applicant and respondents 4 to 7 was fixed on the basis of the placement in the select list against the 6 posts of Groundsmen. The respondents 4 to 7 were therefore, assigned seniority ^{originally} above the applicant. The applicant does not have a legitimate grievance which is required to be redressed.

In the result, the application which is devoid of merit is dismissed. No costs.

Dated, the 20th May, 2003.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

VS