

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 613 of 2011

Tuesday, this the 8th day of November, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

1. K.C. Bindu, Assistant, Regional Passport Office, Kochi. 2. Sheeba Reghu, Assistant, Regional Passport Office, Kochi. 3. Sobhana Varghese, Assistant, Regional Passport Office, Kochi. 4. K.I. Ayyappankutty, Assistant, Regional Passport Office, Kochi.	Applicants
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(By Advocate – Mr. P. Ramakrishnan)

V e r s u s

1. Union of India, represented by Secretary, Ministry of External Affairs, New Delhi-110 011. 2. The Joint Secretary (C.P.V.) & Chief Passport Officer, Ministry of External Affairs, New Delhi-110 011. 3. The Regional Passport Officer, Panampally Nagar, Kochi-682 020.	Respondents
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(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 08.11.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

The applicants passed the examination held on 23.11.2008 for the purpose of promotion to the post of Assistant against 25% quota.



Admittedly, there were two examinations held as directed by this Tribunal in OA No. 652 of 2008 and connected cases. In the meantime certain persons included in the 25% quota got promoted in the 75% quota. As a result these names in the list of seniority has to be removed from the 25% quota so that some more persons can be accommodated in the 25% quota. Whatever doubt arose in the matter of implementation of the order passed earlier we have clarified every aspect of the matter in the order Annexure A-2 in OA No. 43 of 2011 and connected matters vide judgment dated 8th April, 2011. If only they have implemented the Annexure A-2 judgement, applicants contend that there would not be any occasion for reverting the applicants as some more vacancies would have arisen as a result of exclusion of those candidates included in the 25% quota and have already been accommodated in the 75% quota. But without examining the matter as is required to be done vide Annexure A-2 judgment the applicants will be reverted based on a misconception of the position and without compliance of Annexure A-2 judgment. The applicants challenge the combined seniority list published. The Annexure A-2 judgment was delivered on 8.4.2011, whereas the combined seniority list was published on 1st July, 2011. It is the case of the applicants that the combined seniority list is not strictly in accordance with what has been directed to be done in the Annexure A-2 judgement. 11 persons included in the seniority list are the persons who have already been accommodated in the 75% quota and if their names are removed from the combined seniority list there arises no occasion for reverting the applicants. If that be so nothing prevented the applicants from filing a detailed objection before the 2nd respondent who

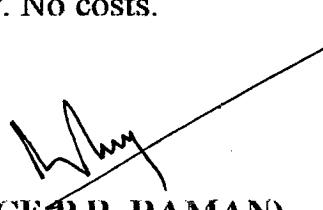
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may examine the factual aspects of the matter as pointed out by the applicants with reference to Annexure A-2 order and make correction to the combined seniority list if the objections are found sustainable. Only after considering the objection of the applicants the combined seniority be finalized. In case there are interested parties who have also to be heard in the matter, the authority may consider giving a notice to such interested parties as well before taking a final decision in the matter. Since as an interim measure reversion was stayed by this Tribunal vide order dated 12.07.2011, the stay will continue till such time the representation is considered and disposed of in accordance with law by the 2nd respondent. The objection shall be filed by the applicants within a period of three weeks from the date of receipt of a copy of this order and the consideration of such objection shall be done and decision taken as early as possible.

2. Original Application stands disposed of accordingly. No costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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