

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 102 of 1996.

Monday this the 13th day of October 1997.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

K. Gopalakrishnan,  
Stenographer Grade-II,  
All India Radio, Trichur. .. Applicant  
(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. Union of India represented by  
Secretary to Government, Information  
and Broadcasting, Sastri Bhavan,  
New Delhi.
2. The Director General, All India Radio,  
'Akashvani', Bhavan, Parliament Street,  
New Delhi-1.
3. The Station Director, All India Radio,  
Trichur-31.
4. The Director General, News Service  
Division, All India Radio, New Delhi. .. Respondents

(By Advocate Shri George Joseph, ACGSC)

The application having been heard on 13th October 1997,  
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was a Stenographer Grade III was promoted by order A-8 dated 11.1.95 as Steno Grade II in the All India Radio in pursuance of the judgement of the Tribunal in O.A. 707/90 with effect from 1.4.87 the date on which his junior Smt. Sreedevikutty had been promoted as Steno Gr. II. Thereafter, by impugned order A-9, the A-8 order was modified partially and the seniority of the applicant was fixed in the cadre of Steno Grade II below Smt. Sreedevikutty. Consequently, his date of promotion was also changed from 1.4.87 to 14.10.87.

Applicant is aggrieved by the loss of seniority and postponement of promotion and submits, that the impugned order A-9 was issued without notice to him and without giving him an opportunity to present his case before the respondents and was therefore, violative of the principles of natural justice. Applicant prays that A-9 be quashed. There are other prayers also.

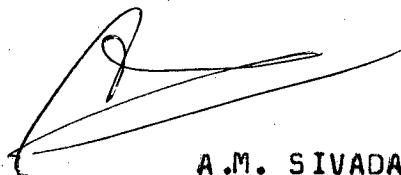
2. Respondents submit that in accordance with the decision of the Tribunal in O.A. 707/90 and O.A. 1864/93 the inter-se-seniority of the applicant was fixed by A-8 order dated 11.1.95. On re-examination of that order it was revealed that Smt. Sreedevikutty who is stated to be his immediate junior was found to be his immediate senior and in order to rectify this mistake the impugned order A-9 was issued promoting the applicant from 14.10.87, the date his immediate junior Shri B. Chakravarthy was promoted.

3. We find that the impugned order which adversely affects the seniority of the applicant was passed without issuing any notice to the applicant and without giving him an opportunity to present his objections to the modification of his seniority. We also find that the reasons stated in the reply statement by the respondents for revising the seniority of the applicant is not reflected in the impugned order which gives no reasons apart from stating cryptically that the seniority list was "carefully scrutinised" and the discrepancies therein have been rectified." The applicant unless told the reasons for lowering his seniority cannot present his objections effectively against the proposed revision of seniority. Therefore, a prior notice is required to be issued by the respondents to the applicant setting out in detail the reasons that would necessitate, in the opinion of the respondents, a modification of the applicant's seniority.

4. We, accordingly, direct the respondents to issue a notice to the applicant showing the reasons which prompted the respondents to modify the seniority and the date of promotion of the applicant ordered by A-8. After giving the applicant an opportunity to put forward his case against the proposed modification respondents shall pass a speaking order within three months explaining the reasons for their decision in the matter. In order to enable them to do so we quash A-9.

5. Application is disposed of as aforesaid. No costs.

Dated the 13th October, 1997.



A.M. SIVADAS  
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

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LIST OF ANNEXURES

1. Annexure A8: Order No.1(13)/94-S/ dated nil issued by Deputy Director of Administration for 2nd respondent to the applicant.
2. Annexure A9: Order No.1(13)/94-S/90011 dated 4.2.1995 issued by Deputy Director Administration for 2nd respondent to the applicant.

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