

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 117 of 2001

Thursday, this the 5th day of July, 2001

CORAM

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

1. Sreelatha R.S.,
Former Casual Labourer,
The Accountant General (Accounts & Establishment),
Thiruvananthapuram, Kerala,
Residing at Sreelatha Vilasom, Nilamel,
Neyyattinkara PO, Thiruvananthapuram.
2. Sunitha Rani,
Former Casual Labourer,
The Accountant General (Accounts & Establishment),
Thiruvananthapuram, Kerala,
Residing at Lakshmi Bhavan, Sivaji Nagar,
Kallayam PO, Thiruvananthapuram.Applicants

[By Advocate Mr. P. Jayabal Menon]

Versus

1. The Accountant General (Accounts & Establishment),
Thiruvananthapuram, Kerala.
2. Union of India, represented by its Secretary,
Government of India, Ministry of Finance,
New Delhi.Respondents

[By Advocate Ms. I. Sheeladevi, ACGSC (represented)]


The application having been heard on 5-7-2001, the
Tribunal on the same day delivered the following:

O R D E R

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

Applicants seek to set aside A3 seniority list and restore the original seniority of applicants as reflected in A1 seniority list and to direct the 1st respondent to consider and dispose of A4 representation after hearing them.


2. Applicants are casual labourers. Their seniority was initially fixed on the basis of their date of engagement for



work. In the event of a number of persons engaged on the same day, the seniority was fixed on the basis of 'first come, first serve' basis. On 20-12-2000 the 1st respondent revised A1 seniority list. A3 is the revised seniority list. Applicants have been brought down in A3 seniority list. A3 is illegal. From A3 it would appear that the basis for fixing the seniority is the age of labourers. They say that the classification has no rational nexus to the object sought to be achieved. To A3, A4 objection was submitted but it failed to evoke any response.

3. Respondents resist the OA contending that in pursuance of the directions of this Bench of the Tribunal the seniority list was revised. The principle followed for persons engaged on the same date was that the persons who were elder in age were ranked senior. In the absence of any other guidance in this regard, respondents followed norms provided in Rule 27(a) of KS and SSR Part II regarding seniority of persons joining duty on the same day. A3 has been drawn up scientifically. Representations of the employees were found to be without merit and were turned down.

4. Applicants say that as per A1 they were ranked at Sr.Nos. 15 and 16, whereas as per A3, the impugned seniority list, they have been brought down to Sr.Nos. 41 and 44. A3 is the impugned seniority list. From a reading of the same it is clear that it is not final but only provisional for it is clearly stated therein that objections if any may be pointed out within ten days from the date of its publication. Applicants say that they have submitted representations and A4 is the copy of the representation submitted by the 1st

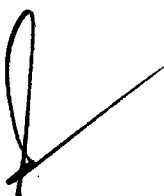


applicant. They further say that A4 has failed to evoke any response. Respondents have stated that representations were found to be without merit and were turned down. They rely on Rule 27(a) of KS and SSR Part II in the absence of any other guidelines on this aspect. Relying on the said rule, they have fixed seniority among the persons engaged on the same date according to their age, i.e. the elder being ranked senior to the younger.

5. According to the applicants, the procedure adopted by the respondents is wrong. It cannot be said that inter-se seniority of persons engaged on the same date fixing the same based on their age is irrational. Respondents cannot be found fault with having adopted the principle contained in Rule 27(a) of KS and SSR Part II in the absence of any guideline in this regard.

6. The first relief sought is to set aside A3 seniority list. A3 seniority list, as already stated, is not a final seniority list. It is only a provisional one. The learned counsel appearing for the applicants submitted that no final seniority list has been published and respondents are engaging persons based on their seniority in A3 seniority list and thereby the chances of getting work for applicants is lost. At this juncture, it is pertinent to note that no relief sought in this OA to direct the respondents to engage the applicants for work in preference to their juniors as per the seniority list A1.

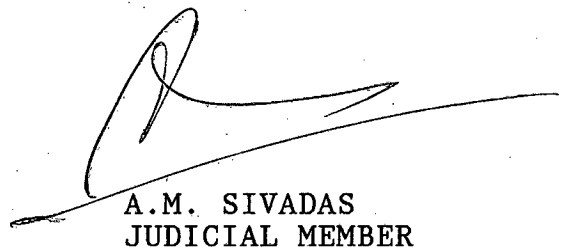
7. There is no rejoinder filed denying the stand of the respondents in the reply statement that the representations



were turned down. There is no necessity to quash a provisional seniority list as the final seniority list is admittedly, according to the applicants, not published. So, A3 has not become final and what has not become final there is no necessity to be quashed.

8. Accordingly, the Original Application is dismissed. No costs.

Thursday, this the 5th day of July, 2001



A.M. SIVADAS
JUDICIAL MEMBER

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List of Annexure referred to in this order:

1. A1 True copy of the Seniority List of Casual Labourers dated 23-3-1995 issued by the 1st respondent.
2. A3 True copy of the revised Seniority List published vide Notice No. G1/RIII/6-14/CL/2000-01 dated 20-12-2000 issued by the 1st respondent.
3. A4 True copy of the representation submitted by the 1st applicant to the 1st respondent dated 29-12-2000.