

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

~~XXXXXX~~
~~XXXXXX~~

R.A.45/90
in O.A.K.623/88
&

O.A.208/90 DATE OF DECISION 27th July, 1990.

C.Premavally & Others Applicant (s)
(in both cases)

C.S.Ramanathan & P.S.Biju Advocate for the Applicant (s)
(both Cases)
Versus

Central Provident Fund Respondent (s)
Commissioner & Others
(in both cases)

Shri NN Sugunapalan-for R.1to3 Advocate for the Respondent (s)
in RA.

CORAM:

Shri Mathews P Mathews-for R.4to8 in RA.
Shri V.V.Sidharthan, ACGSC for R.1-3 in O.A.208/90
Shri Mathews P Mathews-for R. 4 to 8 in O.A.208/90.

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. A.V.Haridasan, Judicial Member

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for all the parties in R.A.45/90 in O.A.K.623/88 as also in O.A.208/90. It may be recalled that the Review Applicants in R.A.45/90 are the applicants ^{but were not a party in OAK 623/88.} in O.A.208/90. The grievance of the Review Applicants is that our judgment dated 22.12.89 delivered in O.A.K.623/88 in favour of the examination quota promotees who are the applicants in O.A.K.623/88 was without considering the case of the Review Applicants who are seniors in the feeder category and are entitled to be promoted on the basis of the seniority quota. They have indicated that by the

implementation of the aforesaid judgment, they are likely to be reverted and against that possible reversion, they have filed O.A.208/90. It transpired during the course of the arguments that the Review Applicants in R.A.45/90 i.e., the applicants in O.A.208/90 have been accommodated and regularised in the cadre of Head Clerk. Their only ^{surviving} apprehension is that in pursuance of our judgment dated 22.12.89 they may suffer in seniority in the cadre of Head Clerks. The learned counsel for the Review Applicants in R.A.45/90 (applicants in O.A.208/90) in the circumstances indicated that they will not press the R.A. and O.A.208/90 in case they are given an opportunity to contest the seniority in the Head Clerks cadre if necessary, at the appropriate stage. Since the seniority of the original applicants in O.A.K.623/88 and the Review Applicants has not yet been determined in the cadre of Head Clerks, we feel that it is too early for the Review Applicants to press the Review Application or the Original Application 208/90 ^{on that ground alone}. The learned counsel for the Review Applicants does not press the R.A. or O.A.208/90 if the opportunity to contest the seniority ^{in the cadre of Head Clerks} is allowed to them. None has any objection to this.

2. In the circumstances we close the R.A. and O.A.208/90 with the direction to the respondents 1 to 3 in the RA that the seniority in the cadre of Head Clerks should be fixed after giving reasonable opportunity to all concerned to ^{advance} their case ⁱⁿ the fixation of seniority. There will be no order as to costs. ^{Copies of this order be placed on both the files.}

(A.V.Haridasan)
Judicial Member

27.7.90

(S.P.Mukerji)
Vice Chairman