

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 240/96

Wednesday, this the 29th day of October, 1997.

C O R A M

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER  
HON'BLE SHRI AM SIVADAS, JUDICIAL MEMBER

....

CGN Menon,  
Inspector of Works (Mechanical),  
Lakshadweep Harbour Works,  
Amini.

....Applicant

By Advocate Shri MR Rajendran Nair.

vs

1. The Chief Engineer and Administrator,  
Andaman and Lakshadweep Harbour Works,  
Port Blair.
2. The Deputy Chief Engineer,  
Office of the Chief Engineer,  
Lakshadweep Harbour Works,  
Kavaratti.
3. Union of India represented by Secretary to Government,  
Ministry of Surface Transport,  
New Delhi.

....Respondents

By Advocate Shri TPM Ibrahim Khan, SCGSC.

The application having been heard on 29th October, 1997,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant, who is Inspector of Works (Mechanical) in the Lakshadweep Harbour Works, Minicoy, approached the Tribunal in OA 384/94 for a declaration that his seniority in the grade of Inspector of Works (Mechanical) is to be reckoned from the date of his initial appointment as Inspector of Works (Ship Wright) as

contd.

on 17.1.77 and certain other reliefs. The Tribunal directed:

"Those officials who were holding the post of Inspector of Works (Mechanical) on the date of his induction could be ranked above applicant... We hold that those who entered the grade after applicant was appointed as Inspector of Works (Mechanical) should rank below him... The seniority of applicant will be refixed on this principle treating his date of induction into the cadre of Inspector of Works (Mechanical) as 1.3.1978. Necessary orders will be passed in the matter within six months of today by modifying the existing seniority list (A.12A)."

Respondents prepared the seniority list Annexure R.2(C) which was not circulated to the applicant. Applicant made Annexure A.8 representation on 7.9.95 for consequential benefits of refixation of seniority. This request was rejected by the impugned order Annexure A.9 which states that the seniority of the applicant has been refixed in accordance with the orders of the Tribunal in OA 384/94 and that no consequential benefits can be granted since there are no orders for the grant of such consequential benefits and because the applicant worked as Inspector of Works and has since been placed in the higher pay scale with effect from 17.1.93. The applicant is aggrieved by this order and prays that the seniority list as on 1.3.78 should be prepared showing his rank as directed by the Tribunal in OA 384/94. He also prays that consequential benefits such as promotion as Assistant Engineer with effect from the date of promotion of his junior Shri SC Sharma, and other consequential benefits including fixation of pay and arrears of pay with 18% interest per annum be granted to him.

2. Respondents submit that the seniority of the applicant was refixed in the grade of Inspector of Works (Mechanical) with the

date of induction into the cadre of Inspector of Works (Mechanical) as 1.3.78 and that the seniority list has been modified with effect from 17.1.95, i.e., the date of judgement in OA 384/94. They also submit that there is no order to grant promotion or to pay consequential benefits to the applicant.

3. We are not persuaded to accept the stand taken by the respondents. The decision of the Tribunal in OA 384/94 is very specific and directs the respondents to rank all those who entered the grade after the applicant was appointed as Inspector of Works (Mechanical) below him. Therefore, it is not correct to modify the seniority list only with effect from the date of the judgement. The respondents are bound to prepare the seniority list as on 1.3.78 and such a list should not include any person who entered the grade after 1.3.78. Annexure R.2(C) cannot, therefore, be sustained and the first prayer of the applicant has accordingly to be allowed.

4. We accordingly quash Annexure A.9 orders and direct the first respondent to prepare the seniority list of Inspector of Works (Mechanical) as on 1.3.78 and such a list cannot obviously include the name of any person who entered in the grade of Inspector of Works (Mechanical) after 1.3.78. Seniority list for subsequent years will also obviously reflect this position and, therefore, Annexure R.2(C) will have to be modified in such a manner that the position as on 1.3.78 would show all those persons who entered the grade of Inspector of Works (Mechanical) before 1.3.78 alone above applicant and those who entered the grade of Inspector of Works (Mechanical) after 1.3.78 will not find a position in the seniority list as on 1.3.78 but would be placed below the applicant in seniority lists drawn up for subsequent dates. The respondents shall revise the seniority list in terms of the above directions

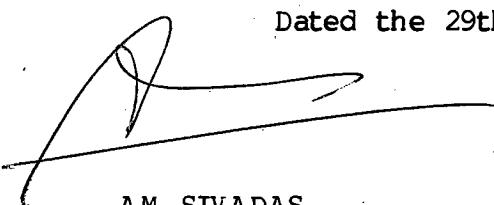
contd.

within three months of today after due notice to the affected parties, if any.

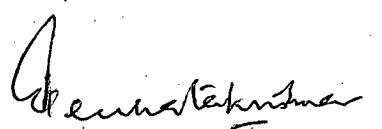
5. Once the seniority is revised in terms of the above directions, the applicant will be entitled to consequential benefits arising from the revision of the seniority and the case of the applicant for promotion to the post of Assistant Engineer and further promotions will have to be reviewed in the light of the revised seniority position granted to the applicant. Respondents will carry out such reviews within three months of the issue of the revised seniority list and if the applicant is promoted or if his date of promotion is altered as a consequence, the applicant will be entitled to fixation of pay accordingly. We leave it to the respondents to decide the quantum of arrears that would follow from such fixation of pay.

6. The application is disposed of accordingly. No costs.

Dated the 29th October, 1997.



AM SIVADAS  
JUDICIAL MEMBER



PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER