

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION : 30.3.1990

P R E S E N T

HON'BLE SHRI N.V KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO.240/89

1. B.Belthasar
2. D.Rajendran
3. R.Rugmini Ammal
4. Saramma John
5. K.Ramakrishnan
6. S.Chandran
7. R.Santhakumari Amma .. Applicants

v.

1. Union of India rep. by its Secretary, Ministry of Communication, New Delhi.
2. The Dy.Director, Office of the Dy.Director of Postal A/cs, Trivandrum.
3. The Postmaster General, Kerala, Circle, Trivandrum.
4. J. Muraleedharan Pillai
5. M.P Sankaranarayanan
6. Smt. Santha A.Nair
7. PR Ramachandran
8. P.Gopalakrishnan
9. M.Bhaskaran
10. S.Veerapudhran
11. EA Sekharan Nair
12. K.Vasudevan Unni
13. N.B. Rameshkumar
14. K.V Sivaprasad .. Respondents

- Smt. Daya K.Panicker .. Counsel for the applicants
- Mr PVM Nambiar, SCGSC .. Counsel for R1-3
- M/s. KA Easwari Amma & EV Philip .. Counsel for R12, 13 and 14.
- Mr EV Philip .. Counsel for R11

JUDGMENT

Hon'ble Shri N.Dharmadan, Judicial Member

The applicants in this case are working as Junior Accountants in the office of the second respondent. They have filed this application mainly for revision of the seniority and direction to respondents 1 to 3 to issue orders appointing them in substantive capacity at an earlier date than the dates assigned to respondents

4 to 14.

2. When the case was taken up for hearing it was submitted by the Senior Central Government Standing Counsel appearing for respondents 1 to 3 that similar cases (OA 164/89, OAK 580/88, OAK 576/88) have already been disposed of by this Tribunal on the basis of the statement filed on behalf of respondents 1 to 3. Though nobody appeared on behalf of respondents 4 to 14, the learned counsel appearing for the applicants did not dispute the statement of the Senior Central Government Standing Counsel.

3. We have perused the statement filed by respondents 1 to 3 on 13th December, 1989 in which it has been stated that the seniority of the applicants have been refixed as prayed for by them. The relevant portion of the statement is extracted below:-

" It was subsequently clarified by the Postal Directorate that Rule 38 transferees should be assigned seniority in accordance with Rule 38 of P&T Manual Vol.IV and all other past cases should be re-opened and the seniority decided as per Directorate letter No.139/1/76-PA(Admn.I)/Stray III/526-538 dated 13.3.1985 and GOI ,D/Personnel & Training OM dated 3.7.1986. Accordingly the seniority of all Junior Accountants was refixed and a revised seniority list circulated under Circular No.1401/Admn.I/E.I/52 dated 17.3.1989. The applicants figure at serial 69, 70, 71, 74, 73, 67 and 68 of the proposed revised seniority list whereas the respondents figures at serial 58, 62, 75, 76, 66, 77 and 81 to 84. It may, therefore, be seen that all the applicants have been placed as seniors to respondents 6, 7 and 9 to 14".


4. It appears that the applicants are satisfied with the aforesaid statement and we think the case can be closed without going into the merits in the light of the aforesaid statement. Therefore ~~this~~ ^{by} this application is dismissed as infructuous. But this order will not stand in the way of we make it clear that ^{the} respondents 4 to 14 ^{by}

.3.

taking appropriate legal steps, as may be found fit and proper, in case they have got any grievance against the revision of the seniority as indicated in the aforesaid statement.

5. In the circumstances the application is dismissed as having become infructuous.


(N. DHARMADAN) 30.3.90
JUDICIAL MEMBER


30/3/90
(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

Kc

n.j.j