

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.32/98

Wednesday, this the 6th day of September, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.Mohammed Sherief,  
Peon,  
Civil Construction Wing,  
Sub Division - I,  
Dooradarshan Kendra,  
Thiruvananthapuram.

- Applicant

By Advocate Mr G Sasidharan Chempazhanthiyil

Vs

1. Executive Engineer(Civil),  
Civil Construction Wing,  
All India Radio & Television,  
Thiruvananthapuram.
2. The Station Director,  
All India Radio,  
Thiruvananthapuram.
3. The Director General,  
All India Radio,  
New Delhi.
4. K.Natarajan,  
Sorter(Peon),  
Dooradarshan Kendra,  
Thiruvananthapuram.
5. M.Baby,  
Security Guard,  
All India Radio,  
Thiruvananthapuram.
6. K.V.Shanmughan,  
Messenger,  
All India Radio,  
Thrissur.
7. P.Sreedharan,  
Security Guard,  
All India Radio,  
Thrissur.

8. K.P.Vijayan,  
Security Guard,  
All India Radio,  
Thrissur.
9. V.K.Asokan,  
Dafty(Safaiwala),  
Dooradarshan Kendra,  
Thiruvananthapuram.
10. V.Gokul Das,  
Security Guard,  
All India Radio,  
Thrissur.
11. M.Gopinathan Nair,  
Peon, All India Radio,  
Thiruvananthapuram.
12. Ammini Thomas,  
Peon, All India Radio,  
Thiruvananthapuram.
13. K.Maniyan,  
Mali, All India Radio,  
Thiruvananthapuram.
14. C.Thankappan,  
Security Guard,  
All India Radio,  
Thrissur.
15. Rajendra Prasad,  
Security Guard,  
Dooradarshan Kendra,  
Thiruvananthapuram.
16. C.Chandrasekharan,  
Farash, All India Radio,  
Calicut.
17. T.P.Sivadasan,  
Peon, All India Radio,  
Calicut.
18. P.Monachan,  
Security Guard,  
All India Radio,  
Thiruvananthapuram.
19. S.M.Kunju,  
Security Guard,  
Doordarshan Kendra,  
Pathanamthitta.
20. R.S.Madhavan,  
Peon, Civil Construction Wing,  
All India Radio & Television,  
Thiruvananthapuram.

21. T.O.Wilson,  
Lower Division Clerk,  
All India Radio,  
Thiruvananthapuram.

- Respondents

By Advocate Mr Sunil Jose, ACGSC(for R.1 to 3)

By Advocate Mr B Krishnamani(for R-18)

The application having been heard on 5.9.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN


The grievance of the applicant, a Peon in the Civil Construction Wing Sub Division I Doordarshan Kendra, Trivandrum is that while he joined the service on 13.6.1984, in the seniority list of group 'D' staff in Kerala Zone as on 1.1.97, he has been placed at serial No. 18 reckoning his services from 7.7.89 alone while persons who have been appointed between the date of his appointment and 7.7.89 have been placed above him. The representations made by him having not been answered, the applicant filed this application for setting aside A-6 seniority list to the extent to which the applicant is placed at serial No. 18, declaring that he is entitled to have his seniority refixed on the basis of his date of entry in the service on 13.6.1984 and for a direction to the 2nd respondent to give him such seniority.

2. Mr. Sunil Jose, ACGSC appears for R.1-3. None appeared for R.4-21 except for R-18. Though reply statement has been filed by the respondent No.18, none appeared at the time of hearing. Respondents resist the claim of the applicant. They contend that the applicant was under the charge of the Executive Engineer, Civil Construction Wing,

Madras, though posted in Trivandrum and that on Trivandrum becoming a zone on 7.7.89 the applicant's services from that date onwards have been reckoned for the purpose of seniority in the Kerala Zone. In answer to the interrogatory served on the respondents it has been conceded by the respondents that on 7.7.89 no transfer was involved and that the applicant was not given any option to choose to go back to Madras or to continue in Kerala Zone.

3. After hearing the learned counsel on either side, we find that there is no justification to suppress the seniority of the applicant. His seniority should have been considered reckoning his services from 13.6.84 as no transfer was involved w.e.f. 7.7.89 and the applicant had not been given any option. The respondents have not been able to state satisfactorily why the services of the applicant prior to 7.7.89 would not count for seniority. Even if it is assumed that on 7.7.89 the applicant was transferred to Kerala Zone which is not the case, as no option was given to the applicant the transfer would have been in public interest and therefore, the applicant should not be made to suffer loss of seniority.

4. In the result, the application is allowed. The seniority list to the extent it placed the applicant at serial No. 18 reckoning his services only with effect from 7.7.89 is set aside and the official respondents are directed to assign the applicant a proper placement in the seniority list treating that his regular services in the cadre commenced on



13.6.84. The resultant orders shall be issued by the competent authority within a period of two months from the date of receipt of a copy of this order. No costs.

Dated the 6th September 2000.

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

IV

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

A-6: True copy of the seniority list as on 1.1.97  
issued by the 2nd respondent.