

Central Administrative Tribunal Lucknow Bench Lucknow

This, the 1<sup>st</sup> day of September 2008.

O.A. No. 410/1999 A.W. O.A. 133/2004 A.W. O.A. 75/2004  
CCP No. 19/2005 in O.A. 75/2004

Hon'ble Mr. Shanker Raju, Member (J)  
Hon'ble Mrs. Veena Chhotray, Member (A)

O.A. No. 410/1999

Sudershan Kumar aged about 48 years S/o Late Durga Dass Sharma resident of B-2740, Indira Nagar, Lucknow.

Applicant.

By Advocate Sri C.B. Verma

Versus

1. Union of India through Registrar General, India, 2-A, Man Singh Road, New Delhi, Pin 110011.
2. Registrar General, India, 2-A, Man Singh Road, New Delhi, Pin, 110011.
3. Joint Director (Head of Office), Office of the Director of Census Operations, U.P. Lekhraj Market III, Indira Nagar, Lucknow.

Respondents.

By Advocate; Sri S.P.Singh

O.A. No. 133/2004

1. Sheo Kumar Yadav aged about 53 years S/o Late Sri Dewan working as Lower Division Clerk, R/o 85, vidhan Sabha Marg, Office of the Directorate of Census Operation, Uttar Pradesh, Capital Bhawan Library Section, Lucknow.
2. Govind Prasad aged about 50 years S/o Late Sri Phairai Lal 250/29, Yahiaganj, Bhim Nagar, Lucknow.
3. Ramesh Prasad aged about 45 years S/o Sri Bans, R/o 89, Sheo Bihar Coloney, Sector-5, Infront of Vikas Nagar, Lucknow.

Sri C.B. Verma

Versus

Applicants.

1. Union of India through the Registrar General and Census Commissioner of India, 2/1, Mansingh Road, New Delhi.
2. The Director of Census Operation, U.P. Lekhraj Market, Indira Nagar, Lucknow.
3. The Assistant Director (Administration) Office of the Directorate of Census Operation, Uttar Pradesh, Lekhraj Market, Indira Nagar, Lucknow.
4. V. K. Misra working as Upper Division Clerk Miscellaneous Section (Administration) Office of the Directorate of Census Operation, U.P. Lekhraj Market, Indira Nagar, Lucknow.
5. Mukesh Chandra Soti, Upper Division Clerk Accounts Section, Office of the Directorate of Census Operation, U.P. Lekhraj Market, Indira Nagar, Lucknow.
6. Deepak Kumar Srivastava, Upper Division Clerk, Accounts Section, Office of the Directorate of Census Operation, U.P. Lekhraj Market, Indira Nagar, Lucknow.
7. Kailash Narain Mukharhiya, Upper Division Clerk, Accounts Section, Office of the Directorate of Census Operation, U.P. Lekhraj Market, Indira Nagar, Lucknow.

8. Sudarshan Kumar Sharma, Upper Division Clerk, D.C.H. Section, Office of the Directorate of Census Operation, U.P., Lekhraj Market, Indira Nagar, Lucknow.
9. Rama Shanker Pandey, Upper Division Clerk, Map Section, Office of the Directorate of Census Operation, U.P. Lekhraj Market, Indira Nagar, Lucknow.
10. Umar Daraj Ahmad, Upper Division Clerk, Daller Bhawan, Faizabad Road, Indira Nagar, Office of the Directorate of Census Operation, U.P., Lucknow.

Sri S.P. Singh

Respondents.

O.A. No. 75/2004

1. V. K. Mishra, aged about 48 years, son of Sri A. S. Misra, resident of 119/11, Lalbagh, Lucknow.
2. Mukesh Chandra Soti, aged about 44 years, son of Late Shanker Lal Soti, resident of 97, A. Parisar Type II, Jankipuram, Lucknow.
3. Deepak Kumar Srivastava, son of Sri S. P. Srivastava, aged about 47 years, resident of Sector N-2/631, Aliganj Scheme, Lucknow.
4. Kailash Narain Mukhraiya, aged about 43 years, son of Sri J.P. Mukhraiya, resident of 2/727, Vivek Khand, Gomti Nagar, Lucknow.

Sri C.B. Verma

Applicants.

Versus

1. Union of India, through the Registrar General and Census Commissioner of India, 2/1, Mansingh Road, New Delhi.
2. The Director of Census Operation, U.P., Lekhraj Market, Indira Nagar, Lucknow.

Respondents.

Sri S.P.Signh

Order (Oral)

By Hon'ble Mr. Shanker Raju, Member (J):

As the matters contain common facts with an identical question of law, whereas seniority list has been challenged on alteration for want of show cause notice, the same are disposed of by this common order.

2. It is stated that altered seniority is not in consonance with Principle of law and denies a reasonable opportunity in contravention of Principles of Natural Justice.
3. On the other hand, respondents counsel clearly stated that before altering the seniority, a letter was circulated among the employees to have their objections and after considering, a fresh seniority list was finalized. It is also stated that in the wake of a decision of the Tribunal of Lucknow bench in OA NO. 147/2003 dated 24.12.2004 Shiv Dutt Singh Vs. UOI and others, the erstwhile seniority of 2003 was set aside with a direction to the respondents to redo the seniority. In compliance of which a fresh seniority list has been issued which is not the subject matter of the present case.

4. In the above view of the mater, this O.A. is disposed of with liberty to the applicant to challenge the modified seniority by way of representation which shall be looked into by the respondents and disposed of the same within 3 months from the date of receipt of copy of this order. No costs.

Consequently, CP is dismissed and the notices issued to the respondents are hereby discharged.

*Sd/-*  
Member (A)

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*Arvind*  
03/01/20

*Sd/-*  
Member (J)

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03/01/20

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