

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:702/1998
DATED THE 21ST NOVEMBER, 2002

CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SMT SHANTA SHASTRY, MEMBER(A)

1. Shri Raja Dharma Patil,
87 7/2, 'F' M.G.S.Vasahat,
Shri Ram Lane, Jerbai Wadia Road,
Parel, Bhoiwada,
Mumbai - 400 012.

Employed in the Office of:-

The Senior Hydrographic Surveyor,
Minor Ports Survey Organisation,
Commerce House, IV Floor,
Ballar Estate, Mumbai 400 001.

... Applicant.

By Advocate Shri P.A.Prabhakaran

V/s.

1. The Secretary,
Ministry of Surface Transport
on behalf of the Government of India,
Transport Bhavan, 1, Parliament Street,
New Delhi - 110 001.

2. The Chief Engineer & Administrator,
Andaman Lakshadeep Harbour Works,
Post Box No.161, Gandhi Nagar,
Port Blair 744 101.

3. The Senior Hydrographic Surveyor,
Minor Ports Survey Organisation,
Commerce House, Ballard Estate,
Mumbai - 400 001.

4. Shri A.K.I.Dongarkar,
Field Assistant,
Minor Ports Survey Organisation,
Commerce House, IV Floor,
Ballard Estate, Mumbai - 400 001.

... Respondents

By Advocate Shri R.R.Shetty

(ORAL)(ORDER)

Per Shri S.L.Jain, Member(J)

This is an application under Section 19 of the
Administrative Tribunals Act 1985 to quash the orders dated
14/7/1998, 3/7/1998, the seniority list dated 31/5/1998 with

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direction to the respondents to prepare fresh seniority list of Field Assistant in accordance with law taking into account the full services rendered by the applicant in the cadre uninterruptedly with all consequential benefits including the Vth Pay Commission recommendations.

2. The learned counsel for the applicant restricted his prayer regarding quashing of seniority list dated 31/5/1998 alongwith impugned order dated 14/7/98 and 3/7/1998.

3. The learned counsel for the applicant relied on an order passed by this Bench in OA-703/98, 704/98 and 705/98 delivered on 31/10/2002.

4. The learned counsel for the respondents vehemently opposed the prayer based on the pleadings in the written statement.

5. On perusal of the order passed in OA No.703/98, 7004/98 and 705/98, we find that order dated 14/7/98 and 3/7/98 alongwith the seniority list which is being challenged in this OA was also subject matter of consideration before the Bench and the said orders and seniority list is quashed and set aside. We see no reason to dissent with the order passed in OA No.703/98, 704/98 and 705/98.

6. In the result, OA deserves to be allowed and is allowed. Impugned order dated 14/7/1998 (Annexure-A) and 3/7/1998 (Annexure - AA) is quashed. The respondents are directed to recast the seniority list based on the principle of continuous

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service of the applicant since the date of his ^{appointment to} ~~the~~ post of Field Assistants within the period of three months from the date of receipt of copy of order. No order as to costs.

Shanta J-

(SMT SHANTA SHASTRY)
MEMBER(A)

S.L. Jain

(S.L. JAIN)
MEMBER(J)

abp