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: IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
HYDERABAD BENCH : AT HYDERABAD

OA No.21/91.

Dt. of Order:8-9-93.

K.Subash

....Applicant

Vs.

1. Directorate General of Employment & Training, Ministry of Labour, Shram Shakti Bhavan, Rafi Marg, New Delhi-1.
2. Director, Advanced Training Institute, Government of India, Vidyanagar, Hyderabad-500 007.
3. Director, Advanced Training Institute for Electronics & Process Instrumentation, Ramanthapur, Hyd-500 013.
4. M.A.Lateef, Upper Division Clerk, O/o Director, Advanced Training Institute, Vidyanagar, Hyd-500 007.

.....Respondents

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Counsel for the Applicant : Shri D.Govardhana Chary

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

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CDRAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

X THE HON'BLE SHRI P.T.THIRUVENGADAM : MEMBER (A)

(Order of the Divn. Bench passed by Hon'ble Justice Shri V.N.Rao, V.C.).

The applicant who was recruited as L.D.C. in Scheduled Caste quota on 16-2-1976 was promoted as joined service in A.T.I., Hyderabad on 4.3.63 and was U.D.C. in 1987. Respondent No.4 /promoted as L.D.C. on 19-7-74. As on 1-9-87 in regard to ^{seniority list of} LDC's in this Unit the applicant was shown against Sl.No.12 while Respondent No.4 was shown against Sl.No.16.

2. The applicant was transferred from the office of this Unit of Vidya Nagar to Ramanthapur in 1989. Then in the letter dt.23-5-89 from the office of Vidya Nagar to the Office of Ramanthapur the applicant was referred to as the Junior most U.D.C. The said transfer was challenged in OA 499/89. The contention of the applicant is that as per the seniority list that was prepared in 1987 he is senior to Respondent No.4 and therefore he cannot be discribed as junior most and Respondent No.4 should have been held as junior to the applicant. While disposing of the O.A.499/89 the inter-se seniority between the applicant and Respondent No.4 was not decided. Then the applicant filed this Original Application praying for a declaration that he is senior to Respondent No.4 and to further declare that the observation in the letter dt.23-5-89 (Annexure-3, page-4 of material papers) ^{that} the applicant is the

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junior most, ^{is} ~~as~~ illegal arbitrary and unjust and for issuance of consequential direction to Respondents No.1 to 3 and for all attendant and consequential benefits.

3. In the counter filed for Respondents No.1 to 3 it was stated that Respondent No.4 had given a representation to the Chairman, Departmental Promotion Committee, Hyderabad Division, claiming that he is senior to the applicant as he was appointed as L.D.C. in 1974 while the applicant joined as L.D.C. in 1976. It is further stated in the counter that the revised seniority list in view of the above representation of Respondent No.4 is yet to be published.

4. In view of the material on record it is proper and just to pass the following order in this O.A:-

(1) Concern^{ed} authority has to dispose of the representation of Respondent No.4 which is referred to in the counter, after giving notice to the applicant within three months from the date of receipt of this order;

...4.

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To

1. The Directorate General of Employment & Training,
Ministry of Labour, Shram Shakti Bhavan,
Rafi Marg, New Delhi-1.
2. The Director, Advanced Training Institute,
Govt. of India, vidyanagar, Hyderabad-7.
3. The Director, Advanced Training Institute
for Electronics & Process Instrumentation,
Ramanthapur, Hyderabad-13.
4. One copy to Mr. D. Govardhana Chary, Advocate. 1-1-80/20
R.T.C. 'X' Roads, Hyd.
5. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT Hyd.
6. One copy to Library, CAT. Hyd
7. One spare copy.

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(2) The inter-se seniority of the applicant and Respondent No.4 in the cadre of LOC had to be finalised while disposing of the representation of Respondent No.4. The inter-se seniority of the applicant and Respondent No.4 in the cadre of UDC had to be then decided.

(3) Of-course in finalising the inter-se seniority of the applicant and Respondent No.4 the reservation as per 40 point formula even in regard to promotion to UDC had to be ^{born} ~~be~~ in mind.

(4) The applicant submitted representation dt.12-1-89 requesting for information about the point of the roster at the time of his promotion. The concerned authority has to inform the applicant about ~~this~~ the same.

5. The Original Application is ordered accordingly.

No order as to costs.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)
Member (A)

V. Neeladri Rao

(V. NEELADRI RAO)
Vice-Chairman

Dated: 8th September, 1993.
Dictated in open court.

[Signature]
Deputy Registrar

avl/

Uthappa