

(29)

THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
O.A.NO. 95 of 1995.

Dated: 25.1.1995.

Between

G.Venkat Reddy

...
And

Applicant

1. The Registrar, Central Administrative Tribunal, 1st Floor, HACA Bhawan, Saifabad, Hyderabad.
2. The Registrar, (Admn), High Court of Andhra Pradesh, Hyderabad.
3. Shri. A. Jagan, -
ative Tribunal, HACA Bhawan, (not known), L.D.C. Central Administra-
Saifabad, Hyderabad.
Respondents

...

Counsel for the Applicant
Counsel for the Respondents

: Sri. K. Sudhakar Reddy
: Sri. N.R. Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.V. Haridasan, Judicial Member
Hon'ble Mr. A.B. Gerthi, Administrative Member

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O.A.No. 95/95

Date of order: 25.1.95

X As per Hon'ble Shri A.V. Haridasan, Member (Judl.) X

The applicant G. Venkatesh, Peon attached to the Bench, Central Administrative Tribunal has filed this application by Section 19 of the Administrative Tribunals Act aggrieved by the insertion of the name of the 3rd respondent in the seniority list of Group 'D' employees and also by the promotion of the 3rd respondent as L.D.C. by order dt. 6.1.95.

The applicant was initially appointed on casual basis as Peon in the Central Administrative Tribunal, Hyderabad on 10.6.86 and his services were regularised w.e.f. 25.11.86. The applicant claims that he is eligible to be promoted to the post of IDC/Daftry as per the provisions of the Recruitment Rules. He had earlier filed OA.558/91 regarding the seniority list of Group 'D' employees circulated on 12/15-7-91. The application was allowed and it was directed to give the applicant the benefit of Note-I in letter F.No. 11/91 dated 11.7.91 to regularise his adhoc service rendered by the applicant as regular service and to prefix his seniority. A revised seniority list of the Group 'D' employees was issued on 6.1.95 pursuant to the above order. Although the applicant was given the place in the seniority list as claimed by him in OA.558/92, the name of the 3rd respondent has been shown at the top of the list. The seniority of the applicant is that the 3rd respondent's name is the first figure in the earlier seniority list.

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Hyderabad Bench on transfer at his own request in the year 1989, that therefore he should rank junior to the applicant in the gradation list of Group 'D' employees and that the placement of the 3rd respondent at the top of the seniority list is illegal, arbitrary and void ab initio. His further case is that when a seniority list is altered by including a person whose name was not there in the seniority list previously, notice should be given to other persons. The principles of natural justice demands notice being given to all the effected persons. The applicant contends that as the 3rd respondent has come on transfer to Hyderabad Bench and should have taken the bottom seniority as on that date, the promotion of the seniority list who should be deemed to be senior to him is violative of the provisions of the recruitment rules.

3. We have heard in detail the learned counsel for the applicant. We have perused the application and the material papers annexed thereto. We have also heard Mr. N.V. Kaghava Reddy, learned standing counsel for the respondents. In order to ascertain whether 3rd respondent who was transferred from Principal Bench on administrative grounds or at his own request we directed the counsel for the respondents to make available the orders by which the 3rd respondent was transferred as also the proceedings if any by which the grant of TA and DA of the applicant was considered. We perused the orders. From the orders it is clear that the 3rd respondent was transferred from Principal Bench not on his request but only on administrative grounds and he was granted TA and DA. The case of the applicant therefore that the 3rd respondent should be taken the bottom seniority as on which date joined the Hyderabad Bench is

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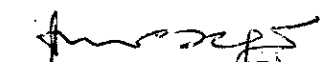
untenable because an official transferred from one unit to another unit on administrative ground cannot be made to lose in seniority. It is an admitted case that the 3rd respondent commenced service though in the Principal Bench at Delhi much earlier than the applicant. While the applicant commenced his service only in June 1986 3rd respondent commenced his service in January 1986. So, the benefit in OA.558/92 if available to the applicant is available as well to the 3rd respondent as the 3rd respondent is in all respects identically placed as the applicant. Therefore, the contention of the applicant that the 3rd respondent is junior to the applicant is ~~not~~ ^{same} at all.

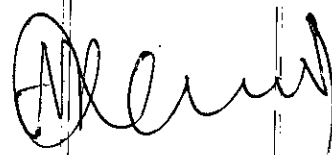
4. Mr. K. Sudhakar Reddy, learned counsel for the applicant with considerable vehemence argued that when the seniority list is revised and a person was not there at all in the seniority list is included at a place determined to others principles of natural justice require notice being given to them. We are not impressed by this argument. Because the 3rd respondent obviously and admittedly had commenced his service in the CAT in January 1986 while the applicant started only in November 1986 and therefore the 3rd respondent is senior to him and it was ~~not~~ ^{not} him a placement at a proper place. Before the revised seniority list was issued the name of the 3rd respondent was not at the top of the seniority list because a different principle was followed at the time when the seniority list was issued in OA.558/92 was issued. Now that the adhoc service was counted for the purpose of the ^{seniority} ~~seniority~~ ^{services} from January 1986 was taken into account. Therefore, it cannot be said that any arbitrariness, illegality or favouritism had been shown in the matter of placing the 3rd respondent at the top of the seniority list. Therefore, there is no requirement of giving any notice to the

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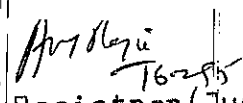
other persons whose name was figured in the seniority list.

5. In the light of the above discussion, that there is practically no case is regulated in this case. Therefore, we find there is no merit in this OA and hence this OA is rejected under Section 19 (3) of the Administrative Tribunals Act. No order as to costs.


(A.B. GORTHI)
Member (Admn.)


(A.V. HARIDASAN)
Member (Judl.)

Dated: 25th January, 1995
Dictated in open.


Deputy Registrar (Judl.)

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Copy to:-

1. The Registrar, Central Administrative Tribunal, 1st Floor, Haca Bhavan, Saifabad, Hyderabad.
2. The Registrar, (Admn.), High Court of Andhra Pradesh, Hyderabad
3. One copy to Sri. K. Sudhakar Reddy,
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(C)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

DATED : 25/1/95

ORDER/JUDGEMENT.

M.A./R.P./C.P.No.

O.A.No.

In

9/795

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

~~Rejected/Ordered~~

~~No order as to costs.~~

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