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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.471/95.

Dt. of Decision : 24-12-97.

Syed Mohiuddin Quadri

.. Applicant.

Vs.

1. The Director General,
Geological Survey of India,
27, J.N.Road,
Calcutta-700 016.
2. The Director (Personnel),
Geological Survey of India,
4, Chowringhee lane,
Calcutta-700 016.
3. The Dy.Director General,
Southern Region,
Geological Survey of India,
Bandlaguda, Hyderabad-68.

..Respondents.

Counsel for the applicant : Mr.V.Venkateswara Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant herein is aggrieved by the Corrigendum No.A-11020/52/91/164 dt.9-2-94 (Annexure-VII) by which his seniority which was at Sl.No.224 was brought

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... of Mechanic. Hence he has filed this OA calling for the records and the impugned order and to set aside the same as illegal, arbitrary and unconstitutional and consequently for a direction that he is entitled to be promoted as Head Mechanic w.e.f., 30-04-93 with all consequential benefits.

3. In the OA on 10-04-95 an interim order was passed directing the respondents to keep a post of Head Mechanic vacant till the disposal of the OA.

4. The main contention of the applicant in challenging the impugned proceedings is that his seniority was brought down from 224 to 254 without giving him notice and for other contentions raised in this OA.

5. A counter has been filed stating that the seniority list was maintained prior to regionalisation by the Central Head Quarters, GSI, Calcutta, that provisional seniority list of Mechanics as on 31-07-1984 issued by the Central Head Quarters, Calcutta. The applicant was shown at Sl.No.224, that provisional gradation list was subject to the modification on representation made by the employees that in all the seniority list issued by the Southern Regional Office, the applicant was shown against Sl.No.2, that the seniority list prepared by the Southern Regional Office was also provisional subject to the modifications on the basis of the representations if any, that some of the officials submitted representations earlier to February, 1992 and that they were appointed earlier to the applicant and they also sought for correcting their seniority position that as the dates of selection were not readily available then the Central Headquarters directed the Regional offices to hold the DPC for the post of Head

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Mechanic on the basis of the revised seniority, provisionally approved through TELEX Message dt. 30-04-93, that accordingly the promotions to the post of Head ----- the directions issued by the Central Headquarters that the position of the applicant in the seniority list as on 31-12-91 was at Sl.No.11 instead of Sl.No.2 after rectification of the mistake, that subsequently the Central Headquarters, Calcutta issued a Corrigendum modifying the seniority position of the applicant.

6. The learned counsel for the respondents submitted that there were representations from those who were promoted as Mechanic earlier to him and on that basis the **seniority of the applicant was brought down to coincide** with the date of promotion as Mechanic. Hence there is no irregularity in showing his seniority as per the impugned order.

7. When we questioned the learned counsel for the respondents whether an opportunity was given to the applicant while revising his seniority on the basis of the representation received from the other co-employees of the department, the learned counsel for the respondents was vague in his reply as it submitted by him there was no positive indication that a notice had been given.

8. When the seniority is revised to the detriment of any employee he has to be given an opportunity. In this case it appears no such opportunity was given to the applicant.

9. The impugned Corrigendum No.A-11020/52/91/164 dt. 9-2-94 (ANNEXURE-VII) is set aside. The respondents should issue notice to the applicant within one month from the date of receipt of a copy of this order to the address

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Mr. Saeed Mohinddin Quadri, S/o S.M. Quadri, R/o. 16-10-270/5/2, Old Malakpet, Near Race Club, Hyderabad. The applicant should reply to the notice within a period of two months from the date of receipt of that notice.

10. the seniority

the seniority in accordance with law. His prayer for promotion to the post of Head Mechanic does not arise at this juncture as his seniority itself is yet to be decided.

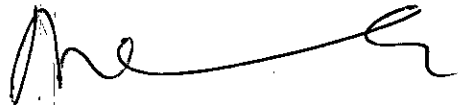
11. In case his case is decided by the respondents in his favour then they may also think of posting him as a Head Mechanic from the date he became due.

11. With the above direction the OA is disposed of.

No order as to costs.

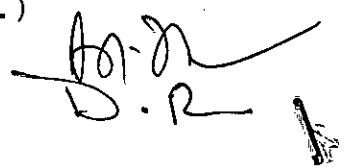


(B.S. JAI PARAMESHWAR)
24.12.97 MEMBER (JUDL.)



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 24th Dec. 1997.
(Dictated in the Open Court)



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OA.471/95

Copy to:-

1. The Director General, Geological Survey of India, 27, J.N.Road, Calcutta.
2. 4, Choorihgne (Cane, 7, 11). Geological Survey of India,
3. The Dy. Director General, Southern Region, Geological Survey of India, Bandlaguda, Hyderabad.
4. One copy to Mr. V. Venkateswara Rao, Advocate, AT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr. CGS^C., CAT., Hyd.
6. One copy to BSJP (J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate.

SRT

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II Court

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. ~~JUSTICE~~ R. Rangarajan
~~VICE-CHAIRMAN~~ M(A)

AND

THE HON'BLE MR. ~~H. RAJENDRA PRASAD~~ M(A)
B.S. Jai Prakash M(J)

DATED: 24 - 12 - 1997

~~ORDER~~ JUDGMENT:

~~M.A./R.A./C.A.No.~~

O.A.No. 471/95 in

T.A.No. (W.P.)

Admitted and Interim directions
Issued.

Allowed

~~Disposed of with direction~~

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

