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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIFUR.

O.A No.115/98

Date of order: 3/11/2002

Georgekutty V., S/o Sh;ri I.Yohannan, Storekeeper(T), AMSE Wing,
Geological Survey of India, West Zone, Jhalana Dungri, Jaipur.

...Applicant.

Vs.

1. Union of India through Director General, Geological Survey of India, 27, J.L.Nehru Road, Calcutta.
2. The Sr.Deputy Director General, AMSE Wing, Vasudha Bhaewan, Kumaraswamy Layout, Bangalore.
3. Director, AMSE Wing, Geological Survey of India, Jhalana Dungri, G-Block, 3rd Floor, Jaipur.
4. Shri N.R.Ravi, S/o Sh.N.V.Ramarao, Storekeeper(T), O/o Dy.Director General, AMSE Wing, Vasudha Bhawan, Bangalore.

...Respondents.

Mr.M.M.Bharathan - Counsel for applicant.

Mr.V.S.Gurjar - Counsel for respondents.

CORAM:

Hon'ble Mr.S.F.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member

PER HON'BLE MR.S.F.AGARWAL, JUDICIAL MEMBER.

Mainly the relief sought by the applicant in this Original Application is to quash the impugned order dated 24.1.98 (Annex.A1) so far as the applicant and respondent No.4 is concerned revising the seniority as on 31.12.95 and to declare the applicant as senior to respondent No.4 by protecting the seniority position of the applicant as on 31.12.95 issued vide order dated 19.11.1996.

2. The respondents filed their reply. In the reply it is categorically stated that in view of the directions given by the order passed by Bangalore Bench of the Tribunal in O.A No.1556/88, filed by N.R. Ravi, the seniority of respondent No.4 was revised. Therefore, the impugned order is perfectly legal and valid and not liable to be

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interfered by this Tribunal.

3. Admittedly, the applicant has been senior to Shri N.R.Ravi, before issuing the impugned order dated 30.5.89. It is also not disputed that in O.A No.1556/88 decided by the Bangalore Bench of the Tribunal on 30.5.89, the applicant was not a party and the following directions were passed by the Bangalore Bench of the Tribunal to the respondents on the application filed by Shri N.R.Ravi, respondent No.4.

"26. In the result, we allow this application, by directing the respondents to promote the applicant, on a regular basis, if found suitable, within a period of 3 months from the date of receipt of this order, under proper procedure, under the 1983 Rules, in a clear vacancy, which existed and was earmarked in the post of SK(T), for the feeder channel of Caretakers, prior to the implementation of the 1987 Rules, from the date he actually became eligible for promotion to that post, under the 1983 Rules."

4. On a perusal of the above directions, it appears that directions were given only with regard to consideration of promotion of Shri N.R Ravi but there was no specific direction regarding revision of seniority. No doubt, promotion relates to seniority but it is an undisputed fact that the applicant was not given any opportunity of hearing/show cause before revising the seniority position of the applicant as it is stood on 31.12.95. If the respondents were anxious to revise the seniority list on the basis of the directions issued by the Bangalore Bench of the Tribunal, after promotion of respondent No.4, it was incumbent on the part of the respondents to afford an opportunity of hearing to the applicant. But without affording any opportunity of hearing/show cause notice to the applicant, the impugned order so passed is definitely against the principles of natural justice and liable to be quashed.

5. In view of above all, we quash the impugned order dated 24.2.98 (Annex.A1) so far as it relates to the seniority of the applicant via-a-vis respondent No.4 and seniority position of the applicant as on

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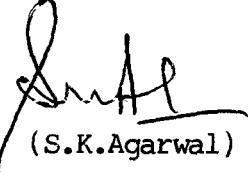
31.12.95 is maintained. If the respondents are desire to determine the seniority, the same can only be done after following the principles of natural justice.

6. No order as to costs.



(N.P.Nawani)

Member (A).



(S.K.Agarwal)

Member (J).