

**Central Administrative Tribunal
Jabalpur Bench**

OA No.243/05

Jabalpur this the 9th day of May 2006.

C O R A M

Hon'ble Dr.G.C.Srivastava, Vice Chairman

Hon'ble Ms.Sadhna Srivastava, Judicial Member

S.S.Sharma

S/o Shri G.L.Sharma

Assistant Welfare Commissioner

Labour Welfare Organization

797, Shanti Kunj

South Civil Lines

Jabalpur.

Applicant.

(By advocate Shri S.Akhtar on behalf of
Shri R.C.Shrivastava)

Versus

1. Union of India through
Its Secretary
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg, New Delhi.
2. Joint Secretary
Central Labour Service
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg
New Delhi.

Respondents

(By advocate Shri R.S.Siddiqui)

ORDER

By Ms. Sadhna Srivastava, Judicial Member


Applicant has challenged the draft seniority list of ⁵ Grade V officers of the Central Labour Service as on 31st March 2003 as contained in A-2. Further there is a prayer to correct the seniority of




the applicant on the basis of continuous and regular service rendered on the post of Grade V officer of Central Labour Service and place him above those who have been promoted and placed in the grade subsequently.

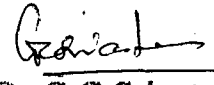
2. The facts in brief are that the applicant entered Labour Welfare Organization as a direct recruit through UPSC on the post of Welfare Administrator on 1.6.92. Thereafter he applied through proper channel for the post of Grade-V Central Labour Service Officer and was recommended by UPSC pursuant to the examination of the year 1998 and was appointed on 2nd September 1998. A draft seniority list was circulated to all concerned officers of Central Labour Service vide OM dated 7.5.03, which required the officer to send their comments/objections by 31st July 2003 in case errors/omissions are found in the said seniority list dated 7th May 2003. Applicant came to know about the provisional seniority list only in the month of July 2004. On perusing the list, the applicant realized that he had been placed at S.No.186 whereas one Shri P.L.Meena who was selected immediately before the applicant was placed at S.No.113 and candidates promoted between the years 1998 and 2002 were placed senior to the applicant. Applicant immediately preferred a representation-dated 27.7.2004 and thereafter a reminder dated 4.2.2005 (A3 & A4 respectively.). Till date, the respondents have not passed any order. Hence this OA.

3. Respondents have filed their reply wherein they have taken a preliminary objection. It has been averred that the concerned Ministry in response to its aforesaid OM dated 7.5.2003 had received objections from some CLS officers of Grade V. The same are being examined in the Ministry. The final seniority list of Grade V is at the final stage of circulation. As regards representations of the applicant dated 27.7.2004 and 4.2.2005 the same are being examined by the Ministry. In the meantime, the applicant has filed this OA. Hence this OA is premature and is liable to be dismissed.



5. Admittedly, applicant's representations dated 27.7.2004 and 4.2.2005 are pending before the respondents and the seniority list has not yet been finalized. Therefore, without expressing any opinion on the merit of the case, we are disposing of this matter with a direction to the respondents to consider the aforesaid representations and pass a detailed and speaking order within two months from the date of receipt of this order. No order as to costs.


(Ms. Sadhna Srivastava)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

aa.

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पलिलिपि आचो धित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) अध्यक्ष श्री/श्रीमती/व्यु.....के काउंसल
- (3) प्रथमी श्री/श्रीमती/व्यु.....के काउंसल
- (4) कार्यपालक, दफ्तर 31, जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

R.C. Shrivastava
R.N. Das
R.P. Siddiqui
R.N. Das

र. व. स. उप यजमान

Issued
9/5/06