

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 216/2017

New Delhi this the 20th day of December, 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Rohtash Kumar Verma, DDG,
S/o Shri Harish Chander Verma,
Aged about 44 years,
R/o Flat No.77-B, Block-AD,
Pitampura, Delhi

- Applicant

(By Advocate: Mr. Apurb Lal)

Versus

1. Ministry of Information & Broadcasting,
Through its Secretary,
A-Wing, Shastri Bhawan,
New Delhi-110001
2. Director General,
All India Radio,
Aakashvani Bhawan,
Sansad Marg, New Delhi
3. Chief Executive Officer,
Prasar Bharti, 2nd Floor,
PTI Buildig, Sansad Marg,
New Delhi
4. KUM P. Geetha Rani,
DDG(E), Office of ADG (E)
South Zone,
AIR & Doordarshan,
Siva Nanda Salai,
Chennai (TN) 6000005

- Respondents

(By Advocates: Mr. BL Wanchoo for respondent no.1.
Mr. SM Arif for respondent nos. 2 and 3)

O R D E R (Oral)

Justice Permod Kohli:

The applicant has filed this Application seeking a declaration
that the applicant is senior to the respondent no.4 in Junior

Administrative Grade (JAG). The applicant in the JTS list of IB(es) officers was placed at Serial No. 736, whereas the respondent no.4, who was also a direct recruit, was placed at Serial No.804. The respondent no.4 belongs to reserved category of SC and was promoted on 05.03.1992 to STS Grade on account of accelerated promotion being reserved category candidate. The applicant was later promoted to STS as a general category on 06.09.1993. The applicant is claiming seniority over the respondent no.4 on his promotion to STS Grade.

2. The respondents have filed the counter affidavit. In the counter affidavit filed by respondent nos. 2 and 3, the above factual position is specifically admitted.

3. The controversy involved in the present OA is squarely covered and settled by the Apex Court in the cases of **Ajit Singh Janjua-II & Ors vs State Of Punjab & Ors**, (1999) 7 SCC 209 and **S. Panneer Selvam & Ors. v. Government of Tamil Nadu & Ors.**, (2015)10 SCC 292. In the case of **M. Nagraj & Ors. Vs. Union of India** (2006) 8 SCC 212, the Apex Court held as under:

“ 35. In the absence of any provision for consequential seniority in the rules, the ‘catch up rule’ will be applicable and the roster-point reserved category promotees cannot count their seniority in the promoted category from the date of their promotion and the senior general candidates if later reach the promotional level, general candidates will regain their seniority. The Division Bench appears to have proceeded on an erroneous footing that Article 16 (4A) of the Constitution of India automatically gives the consequential seniority in addition to accelerated promotion to the roster-point promotees and the judgment of the Division Bench cannot be sustained.”

4. In view of the ratio of the aforesaid judgment, when a reserved category candidate is promoted on account of accelerated promotion

and later a general category candidate, who was senior in the feeder grade, is also promoted, he will regain the seniority on account of application of the 'catch up rule'. In this view of the matter, this Original Application is allowed. The respondents are directed to determine the inter se seniority between the applicant and the respondent no.4 by applying 'catch up rule'.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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