

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 3015/2012
M.A. No. 2524/2012

New Delhi, this the 28th day of July, 2016.

HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE MR. RAJ VIR SHARMA, MEMBER (J)

1. Tejpal Singh,
S/o Shri Bishamber Singh,
R/o H.No.30, Street No.2,
A-Block, Bhajan Pura,
Delhi-110053.

2. Naresh Chandra,
S/o Shri Ram Chandra,
R/o D-508, Gyan Deep Apt.,
Sectot-11, Vasundhara,
Ghaziabad, UP-201012.

3. Attar Singh Kaushal,
S/o Shri Prabhu Singh,
R/o D-739, Lane No.3,
Ashok Nagar,
Delhi-110093. Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Delhi Jal Board,
Through its Chief Executive Officer,
Varunalaya, Phase-II,
Karol Bagh, Delhi-110005.

2. The Member (Admn),
Delhi Jal Board,
Varunalaya, Phase-II, Karol Bagh, Delhi.

3. The Director (Admn. Personnel),
Delhi Jal Board,
Varunalaya, Phase-II,
Karol Bagh, Delhi. Respondents

(By Advocate : Ms. Sakshi Popli)

ORDER (Oral)**By Hon'ble Mr. P.K. Basu**

MA 2524/2012 filed for joining together is allowed.

2. The case of the applicants is that the final seniority list dated 09.07.2009 was prepared based on their being included in the panel of AE in the vacancy year 2007-08. However, the Department has, based on the directions dated 31.10.2011 of this Tribunal in O.A. 69/2010 filed by Shri Yash Prakash & Ors., conducted Review DPC and in that, the three applicants were considered against vacancy years 2010-11 instead of 2007-08. As a result, in the final seniority list issued by the department No.DJB/AC(T)/AE(E&M)/SEN/2012/78693 in July, 2012, the names of the applicants now appeared at Sl.Nos. 62, 63 and 66, which is lower than in the original seniority list of 2009. The grievance of the applicants is that their seniority position cannot be brought down without being given an opportunity to them of being heard.

3. The learned counsel for the respondents clarified that inadvertently three names had not been included in the seniority list of 2009 and, therefore, the seniority list had to be rectified. As a result, the applicants had lost seniority, as the names of those three officials were incorporated above the three applicants. However, the said seniority list is not on record.

4. The learned counsel for the respondents has also raised objection that the parties which will be affected were not being made parties by the applicants and, therefore, this O.A. suffers from the defect of non-joinder of parties. It is further argued that the order of the Tribunal in O.A. 69/2010 has not been challenged and has, therefore, attained finality and the order dated 03.05.2012 is as a consequence of the orders of the Tribunal in O.A. 69/2010.

5. It is stated by the learned counsel for the applicant that none of the applicants were a party to O.A. 69/2010 and they came to know about the changed situation only after order dated 03.05.2012.

6. We note that in this matter, the applicants have been adversely affected without any opportunity having been given to them or by putting them on notice, so that they could place their objections before the respondents. Therefore, in the interest of justice, it is only fair that the respondents give them a chance to put forth their claims before the respondents and thereafter the respondents take a final view.

7. We, therefore, dispose of this O.A. with a direction to the respondents to consider the representation of the applicants dated 14.05.2012 and, thereafter pass a reasoned and speaking order with intimation to the applicants, within a period of two months

from the date of receipt of a certified copy of this order. In case the applicants are still aggrieved with the order of the respondents, they are at liberty to approach this Tribunal, in accordance with law. No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

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