

OA-4219/2017

New Delhi this the 30th day of November, 2017

HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)

Dr. Madhulika Samanta,
D/o Alok Samanta,
Aged about 42 years,
127/9A Saketnagar Bhopal-462024,
Madhya Pradesh,
Presently working as
Superintending Archaeologist In the
Archaeological Survey of India, Group A. ... Applicant

(through Sh. Jaideep Singh)

Versus

1. Archaeological Survey of India,
Ministry of Culture,
Janpath, New Delhi-110011,
Through its Director General.
2. Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi-110001, through its Secretary.
3. Union Public Service Commission,
Shahjahan Road, Dholpur House,
New Delhi-110069,
Through its Secretary.

(through Sh. Rajeev Kumar)

ORDER (ORAL)

Hon'ble Mr. Justice Permod Kohli, Chairman

Issue notice to the respondents. Learned counsel Sh. Rajeev Kumar accepts notice on behalf of respondent nos. 1 and 2 and Sh. R.V. Sinha on behalf of respondent no. 3.

2. The applicant is working as Superintending Archaeologist in the Archaeological Survey of India. He was recruited as a direct recruit in the year 2010 on being selected by the Union Public Service Commission (UPSC). It is stated that the applicant joined the service on 27.03.2012. The seniority list of Superintending Archaeologist was published and circulated by the respondents vide circular dated 12.06.2013. It is stated that the seniority of the applicant has been shown on the date of actual joining and not according to the merit list prepared by the UPSC. It is further the case of the applicant that the Rota Rule was applied in the ratio of 3:1 i.e., promotees and the direct recruits. The seniority list has not been published in accordance with the judgment of the Apex Court in the case of **Union of India & Ors. vs. N.R. Parmar & Ors.** and DoPT OMs issued in this regard. The final seniority list dated 12.06.2013 has been placed on record as Annexure A-1. The name of the applicant figures at serial no. 34 and date of his appointment has been shown as 10.04.2012. The applicant being aggrieved of the aforesaid final seniority list made number of representations to the respondents. One such representation is dated 14.12.2012 (Annexure A6) followed by representations dated 21.12.2012 and 14.06.2013. The latest being 08.09.2016. None of these representations has been considered by the respondents to redress the grievances of the applicant.

3. In view of the above circumstances, this application is being disposed of at the admission stage itself with direction to respondent nos. 1 and 2 to examine and consider the representation filed by the applicant referred to above and take decision thereon by passing a reasoned and

speaking order within two months from the date of receipt of certified copy of this order. Suffice to say that while considering the claim of the applicant, the judgment of Hon'ble Apex Court in the case of Union of India vs. N.R.. Parmar and Govt. OMs shall be taken note of.

(UDAY KUMAR VARMA)
MEMBER (A)

(JUSTICE PERMOD KOHLI)
CHAIRMAN

/ns/