

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA No.3056/2013

Reserved On:26.09.2018

Pronounced On:09.10.2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

B.N.S.V.S.K. Bangarraju
S/o Shri B. Suryanarayana Raju,
Aged 38 years,
R/o 8/3 Second Floor, Moti Nagar, New Delhi-110015.
Presently working as Superintendent (Legal),
Legislative Department, Ministry of Law and Justice,
Government of India, Shastri Bhawan,
New Delhi-110001.

...Applicant

(Applicant in person)

Versus

1. Union of India, represented by
Secretary, Legislative Department,
Ministry of Law and Justice,
Shastri Bhawan, New Delhi.
2. Union of India, represented by
Secretary, Department of Personnel and Training,
Ministry of Personnel, Public Grievances & Pension,
North Block, New Delhi.
3. Shri Y.S. Rao, S/o Shri Y. Subba Rao
at present working as Assistant Legislative Counsel
in Legislative Department,
F6/172, Sector-16, Rohini, Delhi.
4. Smt. Renu Sinha, W/o Shri Sushil Kumar Ambastha,
at present working as Assistant Legislative Counsel
in Legislative Department,
E-103, MS Apartment, KG Marg, New Delhi.
5. Shri T.S. Muralidharan, S/o Shri T. Subramaniam
at present working as Assistant Legislative Counsel
in Legislative Department,
C-20&20-A, 1st floor, back side Subhash Park,

Uttam Nagar, Delhi-110059.

6. Shri R.S. Jayakrishnan, S/o Shri K. Raghunathan at present working as Assistant Legislative Counsel in Legislative Department, E-509, M.S. Aptt. K.G. Marg, New Delhi. Respondents

(By Advocate: Shri Rajesh Katyal for Respondents No.1 & 2
Shri M. Ram Babu for Respondent No.3)

ORDER

By Hon'ble Mr. V. Ajay Kumar, Member (J)

The applicant, a Superintendent (Legal) in the 1st respondent-Legislative Department of the Government of India, filed the OA seeking to declare the promotion and appointment of the private respondent No.6, Shri R.S. Jayakrishnan as regular Superintendent (Legal) from 25/09/2009 as illegal and to declare that he is senior to the said private respondent in the category of Superintendent (Legal).

2. The Annexure A-1 Note dated 03.11.2011 whereunder the respondents circulated the Seniority List of Superintendents (Legal) as on 31.10.2011, wherein the applicant was shown as junior to all the private respondents was the cause of filing the instant OA.

3. The applicant, who is appearing in person, while drawing our attention to the Ministry of Law and Justice, Legislative Department (Group 'B' Gazetted posts) Recruitment Rules, 2005 (Annexure A-5) which governs the recruitment conditions of the post of Superintendent (Legal), submits that there are total 4 posts of Superintendent (Legal) in the 1st respondent-Legislative Department, as per the sanctioned strength and the same are to be

filled up 75% by promotion and 25% by direct recruitment. Against the 25% direct recruitment quota, the applicant was selected and appointed, as a direct recruit, though he was working as Assistant (Legal) in the same department at the relevant time, i.e. on 08.08.2007. The private respondents No.3 to 6 were appointed as Superintendent (Legal) against the 75% quota by way of promotion. Since the rule provides for 75% by way of promotion and 25% by way of direct recruitment, the private respondents No.3 to 5 being promotees and who were appointed as Superintendent (Legal) before the applicant, were rightly placed above the applicant. But the private respondent No.6, though there was no vacancy for promotion quota was appointed as Superintendent (Legal) on 25.09.2009 and, as per the RRs and as per the rules of seniority, i.e., 75%:25%, the applicant is entitled to be placed immediately after the 75% promotees, i.e., after the 5th respondent and above the 6th respondent. Hence, the OA.

4. When this matter is taken up for hearing, it is admitted that the private respondent No.6 has left the service as he was appointed elsewhere.

5. Accordingly, the OA is disposed of as no further orders are necessary. No costs.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member (J)

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