

**OA-1262/2013**

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Pradeep Kumar, Member (A)**

S. N. Jha,  
S/o late Sh. B. Jha,  
R/o YB-3, Sah Vikas Apartment,  
68, IP Extn., Delhi-110092. ... Applicant  
(through Sh. M. K. Bharadwaj)

Versus

1. The Secretary,  
Ministry of Home Affairs,  
Govt. of India, North Block, New Delhi.
  2. The Secretary,  
Union Public Service Commission,  
Dholpur House,  
Shahajahan Road, New Delhi.
  3. GNCT of Delhi,  
Through Chief Secretary,  
GNCT of Delhi.
  4. DOPT,  
Govt. of India,  
North Block, New Delhi.
- ... Respondents
- (through Sh. Satish Kumar)

## ORDER(ORAL)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicant initially joined the service in DANICS. In the year 2007, he was inducted into IAS. In the context of the year of his allotment, the respondents passed the order dated 11.02.2008. It

was mentioned therein that though the applicant is entitled to be assigned the year 1997, he is assigned the year 1999 on account of the fact that three officers, namely, Smt. Alka Dewan, Sh. Ved Prakash Rao and Sh. Ramesh Tiwari, who are senior to him, were assigned the year 1999. The applicant challenged the said order by filing this OA.

2. The contention of the applicant is that whatever may be the justification given by the respondents for assigning him the year of allotment as 1999 on the ground that the three senior officers named above were assigned the year 1999, once notification was issued on 17.04.2012 by declaring him as senior to the three officers referred to above and restoring his seniority, corrective steps ought to have been taken. It is also stated that a representation was made on 20.03.2013 in this behalf, but the respondents have not taken any steps thereon.

3. Respondents filed a detailed counter affidavit. It is stated that once the year of allotment was assigned to the applicant, the subsequent changes, if any, do not become relevant and that there is no merit in the OA. It is also stated that because the applicant has since retired from service, no exercise needs to be undertaken at this stage.

4. We heard Sh. M.K. Bharadwaj, learned counsel for the applicant and Sh. Satish Kumar, learned counsel for the respondents.

5. The only controversy in this OA is about the year of allotment of the applicant. A perusal of the order dated 11.02.2008 discloses that though the respondents were convinced that he was entitled to be allotted the year of 1997 based on his service particulars, he was assigned the year 1999 only on the ground that the three officers named above, who are senior to the applicant, have been assigned the year 1999.

6. If the same situation obtained continuously, one cannot take any exception to the initial assignment of the year of allotment to the applicant. The reason is that a junior officer cannot be assigned a year which is earlier in point of time, to the one assigned to his seniors.

7. The applicant states that in the context of induction into JAG-II and subsequent promotion to JAG-I within the DANICS, injustice was caused to him, and on repeated representations, an order was passed on 17.04.2012 wherein he was shown at Serial No. 10, whereas Smt. Alka Dewan, Sh. Ved Prakash Rao and Sh. Ramesh Tiwari, were shown at Serial Nos. 13, 14 and 15 respectively. This naturally would have its own bearing on the year of allotment to be assigned to the applicant. Even if the year of allotment for those

three officers must remain as 1999, the one assigned to the applicant needs to be reconsidered in the light of the altered seniority. This, however, is a matter which needs to be examined by respondents 1 and 2 with reference to certain other details. The representation dated 20.03.2013 submitted by the applicant is still pending.

8. We, therefore, dispose of this OA directing the respondents to pass appropriate orders on the representation dated 20.03.2013 submitted by the applicant within a period of three months from the date of receipt of this order, duly taking into account, the developments, as are reflected in notification dated 17.04.2012. There shall be no order as to costs.

**(Pradeep Kumar)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/ns/