

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01401/2017

Chandigarh, this the 3rd day of December, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...
Dr. Virendra K. Arya, age 48 years, S/o Sh. Yashpaul Arya, Professor, Department of Anaesthesia and Intensive Care, PGIMER, Chandigarh R/o House No. HSQ-5, PGI Campus, Sector 12, Chandigarh. Group A

....Applicant

(Present: Mr. Barjesh Mittal, Advocate)

Versus

1. Post Graduate Institute of Medical Education and Research (PGIMER), Sector 123, Chandigarh through its Director.
2. Senior Administrative Officer (I), PGIMER Sector 12, Chandigarh.
3. Dr. Kajal Jain, Professor, Department of Anaesthesia and Intensive Care, PGIMER, Chandigarh.
4. Dr. Sandhya Yaddnaupudi, Professor, Department of Anaesthesia and Intensive Care, PGIMER, Chandigarh

(Proceeded against ex-parte)

..... Respondents

**(Present: Mr. A.K. Premi, Advocate for Mr. Amit Jhanji,
Advocate for Respondents No. 1 and 2
Mr. Sandeep Siwatch, Advocate, for Mr. Rohit Seth,
Advocate, for Respondent No. 3
Respondent No. 4 ex parte)**

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. The present O.A. has been filed by the applicant, challenging the orders dated 24.03.2017 (Annexure A-1) and dated 10.10.2017 (Annexure A-1/1), whereby his representation for re-fixing his seniority viz a viz Respondents No. 3 and 4, has been rejected.
2. Today, Mr. Barjesh Mittal, learned counsel for the applicant, while pressing his MA No. 01868/2018, submitted that the respondents have issued a latest seniority list dated 25.09.2018, whereby the seniority of one identically placed person namely Dr. S.S. Pandav has been corrected/re-fixed, on their own. He has

also annexed the representations dated 22.10.2018 and 25.10.2018, made by the applicant, after issuance of aforementioned seniority list, to the respondents to consider his case for seniority and to give similar treatment as has been given to the similarly circumstanced person Mr. S.S. Pandav.

3. MA is allowed. The documents Annexed therewith (Annexures A-24 to A-27) are taken on record.

4. Learned counsel for the applicant, at this stage, prayed that let the O.A. be disposed of with a direction to the respondents to consider and take a view on his representations (Annexures A-26 and A-27), in the light of the fact that one similarly placed employee Dr. S.S. Pandav has been assigned the correct seniority in the gradation list, issued recently on 25.09.2018.

5. Mr. A.K. Premi, Advocate, appearing on behalf of Respondents No. 1 and 2 submitted that the facts of the case of Dr. S.S. Pandav, are quite different from that of the applicant and therefore, the applicant cannot be given similar treatment.

6. Be that as it may, the applicant himself is requesting for a direction to the respondents to re-consider and decide his representations in the light of the view taken by them in the case of Dr. S.S. Pandav. Therefore, we, without commenting anything on the merits of the case, dispose of the O.A., with a direction to the official respondents to re-consider the claim of the applicant for re-fixing his seniority, while taking into consideration the aforementioned case of Dr. S.S. Pandav, and pass a reasoned and speaking order on his representations (Annexures A-26 and A-27), within a period of one month, from the date of receipt of a copy of

this order. MA NO.060/01768/2017 also stands disposed of, as not pressed. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 03.12.2018

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