

**Central Administrative Tribunal
Madras Bench**

OA/310/00527/2018

Dated Thursday the 7th day of June Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

S. Semmel
C2/9, DAD Quarters
Singarathope
Wellington, The Nilgris.

.. Applicant

By Advocate **M/s. S. V. Ramamurthy**

Vs.

1. The Secretary
Ministry of Personnel, Public Grievances and Pension
North Block, New Delhi.

2. The Controller General of Defence Accounts
Ulan Batar Road
Palam, Delhi Cantonment – 110 010.

3. The Deputy Director
Staff Selection Commission
Department of Personnel and Training
EVK Sampath Building
2nd Floor, College Road
Chennai – 600 006.

.. Respondents

By Advocte **Mr. K. Rajendran**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard both sides. The applicant has filed this OA seeking the following relief:-

“To direct Respondent No. 1 and 2 to refix the seniority of the applicant in the seniority list dated 14.08.2013 from the Recruitment year delinking it from the date of confirmation as per the decision of the Hon'ble Supreme Court in CA No. 7514-7515/2005 dt. 27.11.2012 as circulated by first respondent vide DOPT No. 20011/1/2013-Estt.(D) dated 04.03.2014.”

2. It is submitted that the applicant is a direct recruit Section Officer appointed in the year 1999, however with a designation of SAS Apprentice. The recruitment process for the said appointment started in the year 1996 and due to pendency of litigation it took nearly 3 years for the recruitment to be concluded for no fault of the applicant. The respondents issued a draft seniority list on 14.08.2013 in respect of SAOs and AOs in which the applicant was shown as junior to persons who had been promoted to the post of Section Officer after passing SAS Part II examination. Promotions were made in excess of the quota allowed for promotees in the relevant years, it is alleged.

3. The grievance of the applicant is that the applicant's representation dated 14.12.2016 had allegedly not been dealt with by the authorities with a proper application of mind. On the other hand, Annexure A9 circular was issued on

18.07.2017 stating that a number of representations had been received from SAS Apprentices and the principle to be adopted for fixation of seniority would be that the seniority of direct recruits to the cadre vis-a-vis departmental candidates passing SAS Part II examination would be fixed in accordance with the seniority rules as at present namely that a directly recruited SO(Accounts) shall rank immediately below the SAS Part II passed persons promoted to the SO (Accounts) grade on the date on which he took over charge as a regular SO(Accounts).

4. It is submitted that the applicant had drawn specific attention of the authorities to the law laid down by the Hon'ble Supreme Court in UOI Vs. N.R. Parmar & Ors in Civil Appeal No. 7514-7515/2005 as also DOPT OM dated 04.03.2014 containing instructions regarding fixing seniority of direct recruits and promotees. Annexure A9, a common disposal of the representations is silent on the issue of law as also the instructions contained in the said DOPT OM and is violative of both, it is contended. Accordingly, the applicant would be satisfied if the respondents are directed to consider his representation dated 14.12.2016 in terms of the law and standing instructions of the DOPT and pass a reasoned and speaking order within a time limit to be specified, it is submitted.

5. Mr. K. Rajendran takes notice for the respondents.

6. Keeping in view the limited relief sought and without going into the substantive merits of the case, I deem it appropriate to direct the respondents to specifically deal with the contentions raised by the applicant in his representation dated 14.12.2016 and pass a reasoned and speaking order within a period of three

months from the date of receipt of copy of this order. At the request of the counsel for the applicant, the applicant is also granted liberty to supplement his representation with additional material, if any within one week from the date of receipt of copy of this order.

7. OA is disposed of as above. No costs.

(R.Ramanujam)
Member(A)
07.06.2018

AS