

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00238/2018 & OA/310/00545/2018

Dated Thursday the 26th day of April Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

1.K.Murugavel,
2.Nallam Krishnaraya Babu,
3.S.Bascarane.Applicants

By Advocate M/s. J. Srinivasa Mohan

Vs

1.The Administrator,
rep by Secretary to LG,
Lt. Governor's Secretariat,
Puducherry.
2.Chief Secretary to Government,
Puducherry.
3.The Director General of Police,
Police Department,
Puducherry.Respondents

By Advocate Mr. R. Syed Mustafa

ORAL ORDER

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

Heard. MA filed by the applicants for joining together is allowed.

2. The applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “a. To direct the 1st respondent / 2nd respondent, the competent authority to hear the appeal filed by the applicants dated 13.04.2018 / 19.04.2018 against the order of 3rd respondent in No. 1234 / Pol /Estt. I(A) / (A2) / 2009 dated 05.04.2018, within a time frame;
- b. Consequently stay the order of the 3rd respondent in No. 1234 / Pol /Estt.I(A) / (A2) / 2009 dated 05.04.2018, pending disposal of appeal by the competent authority.
- c. Pass such other order as this Hon'ble Tribunal may deem fit in the circumstances of the case including costs and thus render justices.”

3. Learned counsel for the applicants submits that the applicants were aggrieved by the publication of the final seniority list of the officers of the rank of Special Inspectors issued after overruling the objections raised by them. The applicants were entitled to benefit of the Hon'ble Apex Court order in N.R.Parmar in terms of the subsequent DoPT OM dated 04.03.2014. However, the order rejecting the applicants' objections while finalising the seniority list made no mention of the law laid down in the said case. The applicants have accordingly submitted an appeal to the LG, Puducherry seeking justice. It is submitted that they would be satisfied if, in the meantime, the applicants' juniors are not promoted to the post of Inspector of

Police overlooking their claim. It is also submitted that the OA could be disposed of with a direction to the competent authority to pass a reasoned order specifically in the light of N.R.Parmar and the DoPT OM dt. 04.03.2014.

4. Learned counsel for the respondents submits that the applicants' objections were baseless as the seniority of Special Inspectors had been finalised based on the directions by the Tribunal and Courts in various cases to follow the Rota-Quota system. The respondents have finalised the seniority list in accordance with such orders and therefore, the applicants could not have any legitimate grievance. It is also submitted that the DoPT OM dt. 04.03.2014 specifically mentions at para 5 (h) that it would come into effect from 27.11.2012, the date of Supreme Court Judgment in Civil Appeal No. 7514-7515/2005. As the applicants were recruited in the year 1991 at the conclusion of the recruitment process initiated in 1989, N.R.Parmar could not be applied retrospectively. However, learned counsel for applicants would point out that in para 5 (i) of the same OM, it has been clarified that the cases of seniority already settled with reference to the terms available in the DoPT OM dt. 07.02.1986 / 03.07.1986 may not be reopened. As the applicants' seniority has only been finalised now, it would be unfair to deny them the benefit of N.R.Parmar even assuming that the law in this regard would have prospective effect.

5. Keeping in view the limited prayer as also the fact that an appeal of the applicants is pending before the LG, Puducherry, this OA is disposed of with a direction to the competent authority to decide the appeal in accordance with law and specifically dealing with the applicability or otherwise of the DoPT OM dated 04.03.2014 within a period of two months from the date of receipt of a copy of this order.

In the meantime, final seniority list published on 05.04.2018 shall not be operated to the detriment of the applicants.

6. OA is disposed of with the above direction at the admission stage.

(R. Ramanujam)
Member(A)
26.04.2018

SKSI