

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 25th day of January Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00092/2018

Manikandan N
Aged 36,
S/o. Natarajan,
D1, Type IV, Officer's Quarters,
Press Colony,
Coimbatore- 641 019.

.....Applicant

(By Advocate : M/s. P. Ulaganathan)

VS.

1. Union of India,
Rep. by its Secretary,
Ministry of Labour and Employment,
Shram Shakti Bhavan, Rafi Marg,
New Delhi- 110 001;
2. The Joint Secretary,
CLS Section, Ministry of Labour and Employment,
Shram Shakti Bhavan, Rafi Marg,
New Delhi- 110 001;
3. The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi- 110 069;
4. The Manager,
Govt. of India Press,
Coimbatore- 641 019.

.....Respondents

(By Advocate : Mr. K. Rajendran)

O R A L O R D E R

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

The O.A. has been filed by the applicant seeking the following reliefs:-

"to call for the records on the file of R1 and R2 in connection with the Office Memorandum No. A-31012/01/2016-CLS-I dated 08.09.2017 passed by the Under Secretary in the office of R-1 and set aside the same inasmuch as it did not consider the name of the applicant for declaring completion of his probation period as on 01.04.2017 and the date of his confirmation as on 02.04.2017 and direct R1 and R2 to consider the applicant for declaration of completion of his probation period and date of confirmation accordingly and further in consequence consider the applicant for promotion to a post in Senior Time Scale in the pre-revised scale of Pay Band-3 of Rs. 15,600-39100 with Grade Pay of Rs. 6600/- in the Central Labour Service against the vacancies in the Recruitment Year 2017-2018 or pass any other order or direction or grant any other relief, in the circumstances of the case and thus render justice."

2. The case of the applicant is that he was selected for appointment by direct recruitment to a post included in Junior Time Scale (JTS) in the Central Labour Service under R-1, department in a Group A Organized Service, in the Recruitment Year, 2012-2013. The result of the selection was published by R-3 on 17.06.2014. Although the applicant belonged to the OBC category he was selected under UR category on his own merit and in the merit list, he was placed at S.No. 10. It is submitted that the

respondents chose to send the offer of appointment to various candidates, many of whom were lower in the order of merit, before it was sent to him. Even the requirement of police verification, medical examination and ascertainment of genuineness of his community certificate, were completed by the end of December 2014. The applicant was sent the offer of appointment by a letter dated 26.3.2015 along with several others. However, while the applicant could join the service on 02.04.2015, one of the selected candidates, who was lower in the order of merit and got the offer of appointment by a similar letter dated 26.3.2015, could join the service on 30.03.2015 itself, because of the proximity of his location to the place of his posting.

3. It is submitted that the respondents had issued the impugned order dated 08.09.2017 confirming the services of many of the juniors of the applicant leaving the applicant out, presumably for the reason that he had joined the service only after 31.3.2015. It is not disputed that the applicant joined the service on 02.04.2015 and had thus completed two years of service on 01.04.2017. He was accordingly eligible to be declared to have completed the probation period.

4. It is further submitted that the respondents are in the process of convening a meeting of the DPC for promotion to the grade of STS against 50 vacancies, for which the applicant is eligible under Note 1 to the Schedule to the relevant Recruitment Rules, 2015 having completed two years of regular service on 01.04.2017. The vacancies for which the selection

process has commenced are for the year 2017-2018 and the crucial date for eligibility is 01.04.2017. The act of the respondents in not declaring the completion of probation of the applicant as on 01.04.2015, while acknowledging the same in respect of many other direct recruits of 2012-13 batch in the JTS grade is discriminatory, it is alleged. Without considering a representation dated 15.12.2017 of the applicant in this regard, the respondents are going ahead with their proposal for convening the DPC for the said purpose. Hence he has filed the instant O.A. seeking the aforesaid relief.

5. When the matter is taken up, learned counsel for the applicant submits that Annexure-A14 representation dated 15.12.2017 of the applicant regarding his claim for promotion to Senior Time Scale (STS) had not been considered. It is submitted that the respondents are going ahead with the promotion of his alleged juniors. Accordingly, the applicant would be satisfied if he is permitted to supplement his representation with additional documents and citations, if any, before the competent authority, which may be directed to be considered along with the said representation and disposed of within a time limit to be set by the Tribunal.

6. Mr. K. Rajendran, Learned Standing Counsel takes notice on behalf of the respondents and submits that he had no objection to the aforesaid prayer.

7. In view of the limited prayer, the applicant is permitted to supplement his Annexure -A14 representation dated 15.12.2017 with additional

documents and citations, if any, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such additional documents, the competent authority shall consider the same along with the representation dated 15.12.2017 and pass a speaking order within a period of two months thereafter.

8. O.A. is disposed of in the above terms. No costs.

(R. RAMANUJAM)
MEMBER(A)

25.1.2018

asvs.