

No.O.A.350/14/2017

Date of order : 02.05.2017

**Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member**

For the applicant : Mr. S. Dhar, counsel  
Mr. D. Nayak, counsel  
For the respondents : Ms. P. Goswami, counsel

**ORDER (ORAL)**

**A.K. Patnaik, J.M.**

This O.A. has been filed under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the circular dated 18.07.2016 publishing the seniority list of Office Superintendents in the Department of Quality Assurance.

2. Learned counsel for the applicant Mr. S. Dhar would advance his arguments which could succinctly and precisely be set out thus:-

The applicant was appointed as Lower Division Clerk in the Office of the Directorate General of Supplies and Disposals, Office of the Director of Quality Assurance, Government of India on compassionate ground on 12.04.1982 at the age of 18 years on regular basis. Being aggrieved by constant jibes and humiliation at the hands of her colleagues, the applicant wrote a letter to the authority concerned on 05.01.1989 expressing her unwillingness to accept promotion in the reserved category. Subsequently on 18.07.2016 a circular was issued by the respondent authorities publishing the seniority list of Office Superintendents in which the applicant was placed much below the other 4 incumbents who belong to SC/ST categories. Hence. the applicant has approached this Tribunal by filing this O.A.

3. In this O.A. the applicant has sought for the following reliefs:-

“i) An order directing the respondents authority their agents, subordinates

and successors to recall, rescind and/or set aside the circular dated 18.07.16 publishing the seniority list and in furtherance pass an order directing the respondents authority to prepare a fresh seniority list in accordance with law after due consideration of the decision of review D.P.C;

ii) An order directing the respondents, their agents, subordinates and successors not to take any steps and/or further steps and/or initiate any action and/or further action pursuant to and/or on the basis of the Circular dated 18.07.16 till decision of review D.P.C. is implemented;

iii) Give due consideration to the representation of the petitioner seeking promotion as per Government Rules;

iv) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper."

4. Heard Id. counsel for the applicant, Mr. S Dhar and Id. counsel for the respondents, Ms. P. Goswami.

5. Ld. counsel for the respondents Ms. P. Goswami has prayed for some more time to file reply statement.

6. Ld. counsel for the applicant, Mr. S. Dhar fairly submitted that the applicant has not approached the appropriate authority by her name for redressal of her grievances and instead of that she sent a legal notice dated 26.10.2016 to the respondents through her advocate under Annexure A/37 of the O.A.. A reply has been given to the said legal notice by the Administrative Officer for Director of Quality Assurance, Kolkata vide Annexure A/38 on 08.11.2016..

7. As the applicant has not made any representation to the authority concerned for redressal of her grievances, this O.A. is hit by Section 20 of Central Administrative Tribunals Act. On being questioned regarding maintainability of this O.A, Mr. Dhar fairly submitted that the applicant would be satisfied if liberty is given to her to file separate representations to the respondent No.2 and 3 ventilating her grievances therein and the said respondent authorities are directed to dispose of the same within a stipulated period.

8. Considering the aforesaid facts and circumstances, liberty is given to the applicant to file separate comprehensive representations pinpointing her grievances to the Respondent No.2 i.e. the Director General of Supplies and Disposals, New Delhi and Respondent No.3 i.e. the Director of Quality Assurance Directorate General of Supplies and Disposals, Kolkata within a period of one month from today and if such representation is preferred within one month, then, the said respondents No.2 and 3 are directed to consider and dispose of the same by passing a well reasoned order keeping in mind the the rules and regulations governing the field and communicate the result to the applicant within three months from the date of receipt of such representation.

9. It is made clear that I have not gone into the merits of the case and all the points to be raised in the representation to be preferred by the applicant, are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

10. Though I have not gone into the merits of the matter, I hope and trust that if after such consideration, the applicant's grievance is found to be genuine, then the respondents shall take expeditious steps to grant the benefits to the applicant by convening a review DPC and modifying the seniority list under Annexure A-32 accordingly. Liberty is given to the applicant to annex a copy of this order along with the representation to be preferred him.

11. With the above observations the O.A. is disposed of at the stage of admission. No order as to cost.

( A.K. Patnaik)  
Judicial Member

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