

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/493/2018

Dated: 22/03/2019

Between

Sunil D. Shivalekar,
Aged about 45 years,
S/o. Dattatreya, Office Superintendent,
O/o. The Deputy Chief Labour Commissioner (C),
Govt. of India, Ministry of Labour Employment,
ATI Campus, Shivam Road,
Vidyanagar, Hyderabad - 500 007.

... Applicant

AND

1. The Union of India rep. by
Secretary to Govt. of India,
Ministry of Labour and Employment,
Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110 001.
2. The Chief Labour Commissioner (C),
Government of India,
Ministry of Labour and Employment,
Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110 001.
3. The Deputy Chief Labour Commissioner (C),
ATI Campus, Shivam Road,
Vidyanagar, Hyderabad - 500 007.
4. Smt. R. Jaya Lakshmi,
Aged about 50 years,
W/o. Not Known, Office Superintendent,
O/o the Deputy Chief Labour Commissioner (C),
Shastri Bhavan, Haddows Road,
Chennai - 600 006.
5. A.K. Bandyopadhyaya,
Aged about 50 years, S/o. Not known,
Office Superintendent,
O/o. The Deputy Chief Labour Commissioner (C),
Jagjivan Nagar,
Dhanbad - 826 003 (Jharkhand).

... Respondents

Counsel for the Applicant : Mr. T. Koteswara Rao
Counsel for the Respondents : Mr. K. Venkateswarlu,
Addl. CGSC

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant was working as UDC in the O/o the Assistant Labour Commissioner, Adipur in the year 2014. The respondents initiated steps for promotion to the post of Office Superintendent, through Circular dated 10.03.2014. At the relevant point of time, the applicant figured at Sl.No.50 in the seniority list of the UDCs. He gave his willingness for promotion. However, through Office Order No.6/2014 dated 30.05.2014, the concerned authority promoted as many as 19 persons, including Respondents No.4 & 5, who were juniors to the applicant and the case of the applicant was not considered at all.

2. The applicant went on making representations. The latest was the one dated 23.3.2017. Through a letter dated 20.7.2017, the Under Secretary, Ministry of Labour & Employment informed the applicant that several UDCs, who are junior to the applicant, were promoted as Office Superintendents on earlier occasions also and that the steps are being taken to fill up the subsequent vacancies. It is brought to our notice that the applicant has since been promoted to the post of Office Superintendent.

3. This O.A. has been filed challenging the order dated 30.05.2014 in so far as the applicant was not promoted when Respondents No.4 & 5, who are juniors to him, were promoted. Though the O.A. was filed in June 2018, no counter has been filed.

4. We heard Sri T. Koteswara Rao, learned counsel for the applicant and Smt. M. Swarna representing Shri K. Venkateswarlu, learned Standing Counsel for the respondents.

5. A perusal of the seniority list of the UDCs as on 01.01.2014 discloses that the applicant figured at S1.No.50 and the Respondents No.4 & 5 figured at S1.No.51 & 52 respectively. The appointment to the post of Office Superintendent is purely by promotion on the basis of seniority. It does not appear that any element of selection is involved. The applicant was not promoted and two of his juniors Respondents No.4 & 5 are promoted.

6. The applicant went on making repeated representations ventilating his grievance as regards denial of promotion. However, the reply dated 20.7.2017 issued by the respondents does not address the main issue at all. They did not deny that the Respondents No.4 & 5 were juniors to the applicant and they were promoted in preference to the applicant. This being the situation, the respondents were under obligation to inform the applicant as to why his case was overlooked or not considered. If ultimately, it emerges that some mistake has crept into the proceedings dated 30.05.2014, the promotion of the applicant needs to be treated as the one, from that date. This matter however needs to be considered by the respondents.

7. We, therefore, set aside the reply dated 20.7.2017 and direct the Respondents No.1 & 2 to specifically address the question as to why the applicant was overlooked for promotion in the year 2014 and depending on the same, grant necessary relief to the applicant, within a period of six weeks from the date of receipt of copy of this order. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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