

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1626/2018

Dated Monday, the 10th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

S.Logaranjan,
S/oR.Subramanian, No.7,
3rd Main Road, Lakshmi Nagar,
New Saram, Puducherry.

...Applicant

By Advocate M/s V.Ajayakumar

Vs.

1. Union of India,
rep., by the Government of Puducherry
through the Secretary to Government for DP & AR,
Chief Secretariat, Puducherry.

2.S.Singaravelan,
working as Upper Division Clerk,
Labour Department, Karaikal.

3.M.Abirami,
working as Upper Division Clerk,
O/o the Deputy Collector, Karaikal.

4.Velmurugan, working as Upper Division Clerk,
Special Employment Exchange for PH, Puducherry. **...Respondents**

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i)To call for the records of the first respondent with (I) No.A.48011/6/2015-DP & AR/SS-II(2) dated 24.03.2017 (ii) No.A.48011/6/2015-DP&AR/SS-II(2) dated 11.09.2017 and to quash the same in respect of the appointment of the respondents 2 to 4 for the post of Upper Division Clerk and consequently to direct the first respondent to appoint the applicant as Upper Division Clerk against the existing vacancy in the post of Upper Division Clerk with effect from the date on which the respondents 2 to 4 have been appointed with all other consequential benefits including seniority and to pass such other or further orders in the interest of justice and thus render justice.”

2. It is submitted that the name of the applicant figured in the waiting list for appointment as Upper Division Clerk(UDC) in terms of the employment notification dated 11.08.2015. Keeping in view the available vacancies, the applicant was granted appointment subsequently on the post of Senior Clerk in judicial department. However, the applicant was keen to be appointed as UDC only. The private respondents had also been granted appointment in the judicial department along with the applicant in terms of their name in the merit order among General (UR) candidates as at Annexure II of the list of candidates selected. However, by Annexure A-6 OM dated 11.09.2017, the private respondents have been offered the post of UDC which has been denied to the applicant although he was higher on the merit list. Accordingly, the applicant seeks quashment of Annexure A-6 memorandum dated 11.09.2017 in respect of appointment of respondents 2 to 4 and directions to the respondents to appoint the applicant as UDC with effect from the date on which the respondents 2 to 4 had been appointed.
3. On perusal, it is seen that the applicant's name figured at Sl.No.27 of the wait list for UR candidates whereas the private respondents were placed

at Sl.No.32, 33 & 67. As such, if the private respondents were now being accommodated against UR posts, certainly the applicant would have legitimate grievance. However, it is also seen that the names of respondents 2 & 3 figured at Sl.Nos.18 & 19 of OBC list and the 4th respondent at Sl.No.1 of the MBC list. If the private respondents had been granted appointment as UDC against the relevant quota, the applicant could not claim that merely because he was above them in the UR list, he should be granted preference. There is no evidence in the impugned order that the private respondents had been granted appointment as UDC in terms of their position in the UR list.

4. Learned counsel for the applicant would submit that the applicant had made representation regarding his grievance as at Annexure A-5 dated 13.08.2018 which had not been responded to so far and that the applicant would be satisfied if the competent authority is directed to consider the representation and pass orders.

5. Keeping in view the above and without going into the substantive merits of the claim made in the representation dated 13.08.2018, we deem it appropriate to direct the respondents to consider the same his accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

10.12.2018

M.T.