

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No.3954.2014
MA No. 3436.2014**

New Delhi, this the 09th day of October, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Amar Deep Kumar,
Age – 34 years,
S/o Sheo Shankar Prasad,
Occupation: Junior Works Manager in OPF,
Kanpur – 208004.
R/o –Q. No. GT-6A, Golaghat Ghat Colony,
Cantt., Kanpur – 208004.
2. Rajendra Kumar Satle,
Age-34 years,
S/o Shri M. L. Satle,
Occupation : Junior Works Manager in GCG,
Jabalpur- 482011,
R/o 71/2, Type-4, New Colony, GCF Estate,
Jabalpur – 482011.
3. Nitin Chourasia,
Age- 35 years,
S/o Shri Jammna Prasad Chourasia,
Occupation : Junior Works Manager in VFJ,
Jabalpur, 482009,
R/o 440, Sector-2, VFJ Estate,
Jabalpur – 482009.
4. Sanjay Prasad Kushwaha,
Age – 35 years,
S/o Shri S. P. Kushwaha,
Occupation : Junior Works Manager in VFJ,
Jabalpur, 482009,
R/o 460, Sector – 2, VFJ Estate,
Jabalpur-482009.
5. Shyam Kishor Prasad,
S/o Shri R. C. Prasad,
Occupation : Junior Works Manager in GIF,
Jabalpur, 482009,

R/o 452, Sector-2, VFJ Estate,
Jabalpur-482009.

6. Rajeev Kumar Katiyar,
Age 36 years,
S/o Shri R. S. Katiyar,
Occupation : Junior Works Manager in VFJ,
Jabalpur, 482009,
R/o 570, Sector-2, VFJ Estate,
Jabalpur-482009.
7. Sudhir Kumar Kujur,
Age-35 years,
S/o Shri Late Anthony Kujur,
Occupation : Junior Works Manager in OFK,
Jabalpur- 482005,
R/o 124/E, Type – 4, West Land, OFK Estate,
Khamaria, Jabalpur- 482005.
8. Awadhesh Kumar Singh,
Age-35 years,
S/o Shri Abhay Raj,
Occupation : Junior Works Manager in OFK,
Jabalpur-482005,
R/o 20/2, Type-3, West Land, OFK Estate,
Khamaria, Jabalpur-482005.
9. V.P. Subbarao. Ramisetti,
Age 35 years,
S/o Venkata Satyanarayana,
Occupation : Junior Works Manager in EFA,
Avadi, Chennai – 600054,
R/o DF1, G V Srinikhetan Apartment,
Mittanamalli, Air Force Station, Avadi,
Chennai- 55.
10. Rapeti Nandivardhan,
Age 35 years,
S/o Jagadeeswara Rao,
Occupation : Junior Works Manager in EFA,
Avadi, Chennai, 600054,
R/o Type- IV, 9/4 Estate, Avadi,
Chennai – 600054.
11. P Nadamuni Reddy,
Age 35 years,
Occupation : Junior Works Manager in HVF,

Avadi, Chennai – 600054,
R/o Type-IV, 18/1, HVF Estate, Avadi,
Chennai – 600054.

12. Sharafatullah Khan,
Age 35 years,
S/o Late Shri Kitabullah Khan,
Occupation : Junior Works Manager in OFV,
Varangaon, Taluka-Bhusawal, Jalgaon-425308,
R/o Q. No. 14 D, Type-IV,
Ordnance Factory Estate, Varangaon, Taluka-
Bhusawal, Jalgaon – 425308.
13. Chandrashekhar Adey,
Age 35 years,
S/o Sheetaram,
Occupation : Junior Works Manager in OFV,
Varangaon, Taluka-Bhusawal, Jalgaon-425308,
R/o Q. No. -25/C, Type-IV,
Ordnance Factory Estate, Varangaon, Taluka-
Bhusawal, Jalgaon- 425308.
14. Ramji Lal,
Age 36 years,
S/o Madan Lal Meena,
Occupation : Junior Works Manager in OFDUN,
OFD Raipur Dehradun, Uttarakhand- 248008,
R/o House No. D6/2,
Ordnance Factory Estate,
OFD Raipur Dehradun, Uttarakhand- 248008.
15. Awadhesh Kumar,
Age 34 years,
S/o Ashok Chandra,
Occupation : Junior Works Manager in OFDUN,
OFD Raipur Dehradun, Uttarakhand – 248008,
R/o House No. D6/5,
Ordnance Factory Estate,
OFD Raipur Dehradun, Uttarakhand – 248008.
16. Sanjeet Kumar,
Age 34 years,
S/o B. N. Tiwary,
Occupation : Junior Works Manager in SAF,
Armapur, Kanpur- 208009,
R/o NT/III/439, Matrinagar,
Armapur, Kanpur-208009.

17. K. Sandeep Rao,
 Age 38 years,
 S/o Shri K. M. Rao,
 Occupation : Junior Works Manager in GCF,
 Jabalpur-482011,
 R/o 98/1, Type-4, New Colony, GCF Estate,
 Jabalpur- 482011.

...Applicants

(By Advocate: Ms. Tamali Wad for Ms. Kislay Komal)

Versus

1. Director General of Ordnance Factories & Chairman,
 Ordnance Factory Board, Ministry of Defence,
 10A, S. K. Bose Raod, Kolkata-700001.
2. The Secretary,
 Department of Personnel & Training,
 Ministry of Personnel, Public Grievances & Pension,
 North Block, New Delhi – 110001.
3. The Secretary,
 Union Public Service Commission,
 Dhopur House, Shahjahan Road,
 New Delhi – 110069.

...Respondents

(By Advocate: Mr. Subhash Gosain)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicants were appointed as Junior Works Managers (JWM) in the Ordnance Factory, through the process of direct recruitment in the year 2004. There is also a channel of appointment to this post thorough the process of promotion. The respondents published a provisional seniority list for the post of JWM as on 01.01.2014. The

applicants submitted a representation/objection to the said provisional seniority list. According to them, though the respondents applied the principles as laid down by the Hon'ble Supreme Court in **N R Parmar vs. UOI & Ors**, the actual benefit was denied to them. It is stated that having assigned the year 2004 for the purpose of seniority the respondents have placed them below the JWMs appointed thorough promotion, who in fact were given the date of seniority of the year, 2006. Several other contentions are also urged.

2. Respondents filed a counter affidavit opposing the OA. It is stated that the OA has become infructuous since a final seniority list was published on 18.11.2014. It is also stated that the representation/objection raised by various JWMs were taken into account, and ultimately a final seniority list was published duly revising the provisional seniority list.

3. We heard Ms. Tamali Wad for Ms. Kislay Komal, learned counsel for the applicant and Mr. Subhash Gosain, learned counsel for the respondents at length and perused the records.

4. Consequent upon the judgment of Hon'ble Supreme Court in **N. R. Parmar's** case, the DOP&T issued an O.M.

dated 04.03.2014 framing the guidelines to be followed, in the context of preparation of seniority list and fixation of seniority between promotees and direct recruits. One aspect which needs to be taken into account, is that the seniority lists that were prepared earlier to the date of judgment of Hon'ble Supreme Court were virtually frozen and they were not liable to the revised. The exercise was only about the appointments made subsequent to the date of judgment of Hon'ble Supreme Court.

5. During the year 2006 promotions as well as direct recruitment have taken place, referable to the vacancies of the year 2004. A perusal of the provisional seniority list discloses that though the direct recruits as well as the promotees have joined in the year 2006, the direct recruits like the applicant, were assigned the year 2004 for the purpose of reckoning seniority, whereas the promotees were assigned the year 2006.

6. What created anguish among the applicant is that though they were assigned the year 2004, they were placed below the promotees of the year 2006. We would have certainly addressed the various grounds urged by the applicants in the OA, but for the fact that during the pendency of the OA, the respondents published a final

sonority list on 18.11.2014. Once the final seniority list is published, the Tribunal cannot direct the respondents to take into account, the representations made by the applicants. If the applicants are so advised, they can institute proceedings vis-a-vis final/revised seniority list dated 18.11.2014. The various points urged by them in their representations, or for that matter in this OA; can be urged in the challenge to the final seniority list. Since the applicants were pursuing remedies before the Tribunal, the question of limitation would not arise.

7. We, therefore, dispose of the OA leaving it open to the applicant to institute proceedings against the final seniority list dated 18.11.2014, duly impleading the persons who may be affected, in case, their plea is accepted. If the OA is filed within 06 weeks from today, it shall be accepted by registry without raising any objection as to limitation. MAs, if any, shall stand disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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