

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

**OA/310/00256/2019, OA/310/00257/2019, OA/310/00258/2019
& OA/310/00259/2019**

Dated Wednesday the 6th day of March Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

1.N.Ravikumar,Applicant in OA 256/2019
2.D.Marimuthu,Applicant in OA 257/2019
3.Inty Rama Chandra Mohan,Applicant in OA 258/2019
4.Konda Venkateswara RaoApplicant in OA 259/2019

By Advocate M/s. S. Ilamvaludhi

Vs

Union of India, rep by its Chief Secretary,
Government of Puducherry,
Puducherry.

....Respondent in all OAs

ORAL ORDER

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

Heard. As the matter agitated and the relief sought in these OAs appears to be the same, the OAs are taken up together for admission and disposal.

2. The applicants have filed the OAs seeking to call for the records connected with Government order in G.O.Ms No. 29, Home Department, Puducherry dated 13.06.2018 (in so far as applicants are concerned) and proceedings issued in Circular No. A.12021/07/2018/Home Department dated 28.11.2018 passed by the respondent herein and quash the same and consequently direct the respondent to regularise the applicants' service from the date of their first appointment ie, on 22.05.2013, 17.09.2014, 05.02.2007 & 22.05.2013 respectively.

3. Learned counsel for the applicants would submit that the applicants apprehended that their seniority was likely to be revised downwards to their disadvantage. The competent authority had issued a circular in this regard dt. 28.11.2018 which if implemented would seriously compromise the rights of the applicants who had been appointed as Superintendent of Police on different dates and had already worked as such for 5 to 12 years. The applicants had accordingly submitted their representation on the respective dates as indicated in the relevant Annexures of the OAs. The representations are still pending and, as such, the applicants were anxious that their claims should be considered in accordance with law and an early decision taken by the competent authority.

4. On perusal, it is seen that circular dt. 28.11.2018 states that a tentative seniority of the Pondicherry Police Service Officers who had been appointed regularly to the Pondicherry Police Service was circulated to the officers concerned. The objections received from the officers were examined in detail. In terms of the guidelines prescribed for seniority as per OM dt. 04.03.2014 of the DoPT, their tentative seniority list was proposed to be revised on the lines indicated therein. It was further stated that the objections to the proposed seniority list were invited on or before 07.12.2018. If no objection was received by that date, it would be presumed that the officials concerned had nothing to represent against their seniority as indicated and the final seniority would be fixed accordingly.

5. Learned counsel for the applicant would submit that the circular was issued on 28.11.2018 and the individuals concerned were not allowed sufficient time to file their representations against the proposal. Nevertheless, the applicants managed to file their objections either on 06.12.2018 or 07.12.2018 well within the time limit. However, prescribing such a short time limit created an apprehension that the authorities did not have an open mind.

6. We have considered the submissions at the admission stage. It is not in dispute that the seniority list contained in the circular dt. 28.11.2018 is tentative and the persons affected were allowed an opportunity to represent their claim. It is also not in dispute that notwithstanding the short time limit, the applicants managed to file their objections on or before the last date. Under such

circumstances, there appears no cause of action as on date for these OAs as no final decision has been taken by the respondents in this regard.

7. In view of the above, we deem it appropriate to dispose of this OA with a direction to the respondents to consider the objections raised by the applicants in accordance with law, the relevant rules and facts of the matter and take an appropriate decision as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

8. OAs are disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

06.03.2019

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