

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00360/2019

Dated Wednesday the 20th day of March Two Thousand Nineteen

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

Thiru. Chinta Kodanda Ram,
Son of Chinta Satyanarayana,
Inspector of Police,
(Current duty charge as Superintendent of Police (North)),
Puducherry.Applicant

By Advocate M/s. M.R.Thangavel

Vs

1. Union of India rep by,
The Chief Secretary to Government of Puducherry,
Home Department,
Chief Secretariat Buildings,
Puducherry.
2. The Director General of Police,
Police Department,
Puducherry.
3. The Superintendent of Police,
Head Quarters, Police Department,
Puducherry.
4. Thiru K. Murugavel,
Inspector of Police,
(Current duty charge as Superintendent of Police (Traffic-North East)),
Jawarharlal Nehru Street,
Puducherry.
5. Thiru N. Selvam,
Inspector of Police,
(Current duty charge as Superintendent of Police, (CBCID)),

C I D Complex,
Beach Road, Puducherry.

6.Thiru C. Maran,
Inspector of Police,
(Current duty charge as Superintendent of Police (East)),
Jawaharlal Nehru Street,
Puducherry.

7.Thiru Nallam Krishnaraya Babu,
Inspector of Police,
(Current duty charge as Superintendent of Police (PAP)),
Danvanthiri Nagar,
Gorimedu, Puducherry.

8.Thiru.S.Bascarane,
Inspector of Police,
(Current duty charge as Superintendent of Police (Wireless)),
No.2, Dumas Street,
Puducherry.

9.Thiru V. Balakrishnan,
Superintendent of Police, P.C.R.Cell,
Danvanthiri Nagar,
Gorimedu, Puducherry.

10.Thiru B.Ranganathan,
Inspector of Police,
(Current duty charge as Superintendent of Police (West)),
Villianur, Puducherry.

11.Thiru K.L.Veeravallabane,
Inspector of Police,
(Current duty charge as Superintendent of Police (South)),
Thirunallar, Karaikal.Respondents

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

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records of the 3rd respondent made in No. 1234/Pol/Estt.I(A)/A2/2009 dated 07.03.2019 and to quash the same and consequently to direct the 3rd respondent to recast the seniority list of Sub-Inspectors and place the applicant about the respondents 4 to 11 and to pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

2. The applicant is aggrieved by impugned order dt. 07.03.2019 regarding the revised final seniority list of Sub-Inspectors of Police issued by the 3rd respondent allegedly in compliance of directions from the appellate authority.

The impugned order refers to some other orders from which it is not clear the circumstances under which the seniority had been revised in the absence of copies thereof.

3. Learned counsel for applicant would submit that the competent authority had previously determined the seniority of SIs by Annexure A25 order dt. 05.04.2018 in the light of the directions by this Tribunal in OAs 452, 453 of 2005 & 503 of 2006 in its order dt. 05.03.2010 to follow the Rota Rule and place the applicants therein at the appropriate places. The order refers to the representation made by the applicant on the tentative seniority list issued on 22.11.2017 that it should be confirmed without any change. It is also mentioned therein that the applicant had obtained the Court direction pronounced in OA 183/2018 dt. 12.02.2018 that the respondents had to consider his representation dt. 01.02.2018.

4. The tentative seniority list issued on 22.11.2017 was finalised with the final list of Sub-Inspectors of Police showing the name of the applicant at seniority no. 150. However, a direction was issued by this Tribunal by order dt. 26.04.2018 in OA 545/2018 filed by the 4th, 7th & 8th respondents, to decide the appeal filed by them against the seniority list in accordance with law and specifically dealing with the applicability or otherwise of the DoPT OM dt. 04.03.2014 within a period of two months from the date of receipt of a copy of the order. In the meantime, the final seniority list published on 05.04.2018 was directed not to be operated to the detriment of the applicants therein.

5. It is further submitted that the applicant had filed Annexure A28 representation dt. 25.07.2018 in this regard seeking retention of the seniority list dt. 05.04.2018. However, the competent authority without making any reference whatsoever to the applicant's representation has now passed the impugned order dt. 07.03.2019 referring to a direction from the 1st respondent.

6. Learned counsel for the applicant would submit that the applicant had raised several points in his Annexure A28 representation dt. 25.07.2018 which were not considered at all in passing the impugned order. Nor is it clear from the impugned order what factors went into the revision of the seniority as published on 05.04.2018. The impugned order is non-speaking and is accordingly liable to be set aside, it is contended.

7. We have considered the matter. The impugned order refers to the order dt. 05.03.2010 of this Tribunal in OAs 503/2006, 452 & 453/2003 and certain other

orders. Clearly, the matter of seniority between the applicant and the private respondents is in dispute and the appeal of the private respondents who were the applicants in OA 545/2018 ought to have been considered objectively with reference to the law as laid down by the Hon'ble Apex Court and the relevant instructions of the DoPT. In as much as the impugned order is silent on how the entire matter was considered, we are of the view that this OA could be disposed of with a direction to the respondents to pass a reasoned and speaking order on Annexure A28 representation of the applicant dt. 25.07.2018 within a period of one month from the date of receipt of a copy of this order.

8. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

20.03.2019

SKSI