

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No.M.A.350/00375/2016
Arising out of
O.A.350/00024/2016

Date of order : 24.08.2016

Present : Hon'ble Justice Mr. Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. ANUP KUMAR MUKHOPADHYAY
2. ASHOK V. NAIK
3. OM PRAKASH
4. RAM KUMAR SINGH

VS.

UNION OF INDIA & ORS.
(All India Radio)

For the applicant : Mr.B.R.Das, counsel
Mr. S. Bhattacharya, counsel

For the respondents : Mr. S.K. Ghosh, counsel

ORDER

Per Justice V.C. Gupta, J.M.

M.A.No. 350/00375/2016

Heard Id. counsel for the applicant and Id. counsel for the respondents.

2. The delay in preferring the O.A. is condoned as the same has not been opposed by the counsel for the respondents. The M.A. is accordingly allowed.

3. The applicants have filed the O.A. seeking the following reliefs:-

"i) Rescind, recall, withdraw and/or amend/modify the seniority list being Annexures A1 & A2 so as to restore the seniority of petitioners over Respondent No.8, for all intents and purpose, as if the petitioners were considered by the same DPC for the year 1992;



ii) Amend/modify the recruitment Rules viz. the All India Radio, Civil Construction Wing(Group 'A' and 'B' posts) Recruitment (Amendment) Rules, 1995(Annexure A4) so as to incorporate the "Notes" as directed by the DOPT vide its orders being Annexure -A3, collectively so as to be made effective from the date of issue of OM by DOPT, i.e. 18.03.1988;

iii) Pass orders for earning consequential benefits retrospectively accrued by the petitioners 1 to 4 over and above the respondents arising due to amendment/modification of recruitment rule and seniority list of them, in subsequent promotional cadre in the grade of Executive Engineer(C), Superintending Engineer (C), Chief Engineer (C) by conducting review DPC or any other method as deemed fit by the department;

iv) Certify and transmit the entire records and papers pertaining to the applicants' case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) and (ii), above;

v) Pass such other order/orders and/or direction/directions as deemed fit and proper.

vi) Costs."

4. While moving the application for condonation of delay, it has been brought to notice of this Court that considering the controversy in question with regard to seniority of officers, necessary recruitment rules are going to be amended and the matter is pending at the DOP&T level for approval.

5. In the above circumstances, the reliefs claimed in the O.A. cannot be considered at this stage. The claim of the applicants may be considered only after amendment of the recruitment rules.

(J. Das Gupta)
Administrative Member

(Justice V.C. Gupta)
Judicial Member

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