

Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.1168/2003

**Hon'ble Mr. Justice B. Panigrahi, Chairman
Hon'ble Mr. N.D. Dayal, Member (A)**

New Delhi, this the 16th day of February, 2006

**Shri Radhey Shyam Meena,
S/o Shri Rang Lal Meena,
R/o F-290, Shiv Durga Vihar,
(Suraj Kund), Faridabad
Haryana**

....Applicant

(By Advocate: Shri S.K. Gupta)

Versus

- 1. Govt. of NCT of Delhi through,
The Chief Secretary,
Delhi Secretariat,
Players Building, I.P. Estate,
New Delhi-2**
- 2. The Secretary (Services),
Govt. of NCT of Delhi,
Delhi Secretariat,
Players Building, I.P. Estate,
New Delhi-2**
- 3. The Director,
Directorate of Education,
Old Secretariat,
Delhi-54**
- 4. The Secretary,
Staff Selection Commission,
C.G.O. Complex, Lodhi Road,
New Delhi-3**

5. Shri Raj Pal Meena,
C/o The Secretary (Services),
Govt. of NCT of Delhi,
Delhi Secretariat,
Players Building, I.P. Estate,
New Delhi-2

6. Shri G.R. Meena,
C/o The Secretary (Services),
Govt. of NCT of Delhi,
Delhi Secretariat,
Players Building, I.P. Estate,
New Delhi-2

....Respondents

(By Advocate: Ms. Simran, proxy for Mrs. Avnish Ahlawat, for official respondents

None for private respondents)

Order(Oral)

Justice B. Panigrahi, Chairman

In this case, the applicant has challenged the seniority list in DASS Grade-IV published vide letter No.F.7(4)/92-JSC dated 3.2.1993. The applicant appears to have filed a representation for making necessary correction in the said seniority list. The respondent-authorities by a detailed order dated 29.1.2003 rejected the applicant's prayer on the ground that such seniority list at this stage cannot be disturbed because it will unsettle the settled position. Therefore, being aggrieved and affected by the impugned order, he has filed this case.

2. Shri Gupta, learned counsel appearing on behalf of the applicant has strongly contended that the seniority list which was published on 3.2.1993 was never circulated to the SDM Office where the applicant was working. Therefore, for all the times, the applicant was kept in darkness. As soon as he came to know about such seniority list, he filed a representation before the authorities but the respondent-authorities were not prepared to pass a reasoned order.

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Therefore, he filed an application before this Tribunal and pursuant to the directions issued by the Tribunal, the respondents considered the representation but arbitrarily rejected the same. Had the applicant known about the seniority list communicated on 3.2.93, he would have certainly filed an objection at the relevant time. Therefore, in this case, the question of limitation cannot come in his way to challenge such seniority list.

3. Ms. Simran, learned proxy counsel appearing on behalf of Mrs. Avnish Ahlawat has submitted that the applicant was never vigilant and on account of his own laches, he did not challenge the seniority list prepared on 3.2.2003. It is unbelievable to submit that the applicant was unaware of such seniority list. In the meanwhile, on basis of the aforesaid seniority list which was made final on 4.8.94, he has earned two promotions. The respondent-authorities, immediately after preparation of the draft seniority list, circulated the same to all the Head of Departments for onward transmission to the subordinate offices where the other employees were working. Accordingly, presumably it must have been sent to the SDM's office also where the applicant was then serving. Otherwise also, it cannot be believed for a moment that at the time of promotion, he may not have verified about his own seniority position. Therefore, once such seniority list was acted upon and the applicant had also received two promotions on basis of the same, after a lapse of about ten years, it shall not be open to him to unsettle the settled position of seniority. In support of her submission, she has relied upon a judgment of the Supreme Court reported in (1986) 4 SCC 531 in the case of K.R. Mudgal and others vs. R.P. Singh and others.



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4. On a careful hearing of the learned counsel appearing for both the parties and on perusal of the averments stated in the application as well as counter reply, we found that the draft seniority list was published on 3.2.93 which was made final on 4.8.94. It is also noticed that the applicant has earned two promotions on basis of such seniority list. Therefore, it can well be presumed that he knew about his position in the seniority list and thereafter accepted promotions. After a lapse of about a decade, if such seniority list is upset, it would create a chaos in the administrative sphere. Accordingly, we hold that there is no merit in the present application and the same is dismissed.


(N.D. Dayal)
Member (A)


(B. Panigrahi)
Chairman

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