

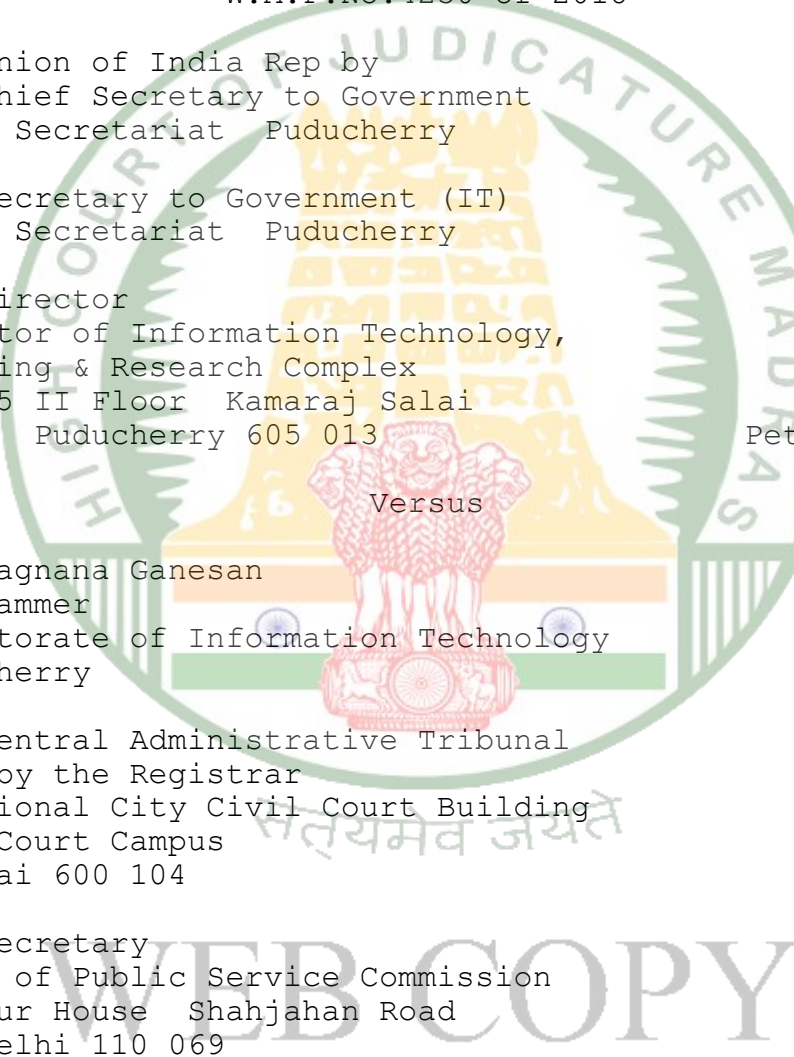
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.2.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.3457 of 2018
and
W.M.P.No.4230 of 2018

- 
- 1 The Union of India Rep by
The Chief Secretary to Government
Chief Secretariat Puducherry
- 2 The Secretary to Government (IT)
Chief Secretariat Puducherry
- 3 The Director
Director of Information Technology,
Planning & Research Complex
No.505 II Floor Kamaraj Salai
Saram Puducherry 605 013 Petitioners
- Versus
- 1 A.Sivagnana Ganesan
Programmer
Directorate of Information Technology
Puducherry
- 2 The Central Administrative Tribunal
Rep. by the Registrar
Additional City Civil Court Building
High Court Campus
Chennai 600 104
- 3 The Secretary
Union of Public Service Commission
Dholpur House Shahjahan Road
New Delhi 110 069
- 4 The Secretary
Ministry of Home Affairs
North Block New Delhi 110 001

5 The Secretary
Ministry of Public Grievances and Pension
Department of Personnel & Training
North Block New Delhi 110 001

6 P.Rajasekaran
Programmer
Directorate of Information Technology
Puducherry

7 S.Cobalakirouchenane
Programmer
Directorate of Economics & Statistics
Puducherry

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the 2nd respondent pertaining to the order passed in O.A. No.310/00825/2015 dated 21.12.2016 on the file of the Central Administrative Tribunal Madras Bench and quash the same.

For petitioners : Mr.Syed Mustafa,
Special Government Pleader (Pondy)

For RR3 to 7 : Mr.Mr.Rabu Manohar

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the petitioners and Mr.Rabu Manohar, learned counsel appearing for respondents 3 to 7.

2. The writ petition has been filed by the Government of Puducherry challenging the order passed by the Central Administrative Tribunal allowing the Original Application filed by the first respondent herein and thereby directing for fixation of his seniority from the date of initiation of the recruit for the post i.e., July 1998.

3. It appears that three vacancies for the post of Programmer arose in the Government of Puducherry, out of which one post was proposed to be filled up by direct recruitment through UPSC and two posts were proposed to be filled up by promotion and as against the direct recruitment vacancy, the first respondent herein had applied, but, his result of success was kept in a sealed cover because of a hurdle put by another candidate by way of stay order dated 28.6.2000, obtained by him by filing Original Application before the Tribunal, challenging the rejection of his candidature on the ground of overage and

ultimately, though the other candidate was successful before the Tribunal, such order was set aside by this Court subsequently and thereafter, the first respondent herein was allowed to join duty on 11.4.2008, which is the cause for the present Original Application for the first respondent herein to claim the fixation of notional seniority and notional pay.

4. On appreciation of the above factual position, we are of the view that the first respondent herein, having already suffered the delay in getting his appointment for no fault on his part, should not be any more penalised by snatching to seniority to which he is eligible. The appointment of the other persons by way of promotion can, anyhow, be ad hoc promotions much less subject to the result of the dispute prevalent at the relevant period. It is not as if the first respondent had lost the battle, but, he won the battle, though belatedly. Therefore, he cannot be constrained to suffer his seniority on account of the issue in the recruitment process.

5. In such circumstances, there is no scope for interference with the order passed by the Central Administrative Tribunal. Accordingly, the writ petition filed by the Government of Puducherry is dismissed. The order passed by the Tribunal shall be complied within a period of one month from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Registrar
The Central Administrative Tribunal
Additional City Civil Court Building
High Court Campus
Chennai 600 104
2. The Secretary
Union of Public Service Commission
Dholpur House Shahjahan Road
New Delhi 110 069

3. The Secretary
Ministry of Home Affairs
North Block New Delhi 110 001
4. The Secretary
Ministry of Public Grievances and Pension
Department of Personnel & Training
North Block New Delhi 110 001

+1 CC TO MR.B.Rabu manohar, Advocate SR. No.11951
+1 CC TO The government Pleader SR.NO. 11967

W.P.No.3457 of 2018

KJI (CO)
RMP (28/03/2018)



WEB COPY