

24.03.2026
Item No.56
Ct. No.01
RP

WPCT 19 of 2025

**Mrs. Rupa Majumder
Vs.
Union of India & Ors.**

Mr. Shamik Chatterjee
Mr. Souma Subhra Ray
Ms. Neelam Kumari
Ms. Priyanka Patra
...For Petitioner
Mr. Shyamal Mukherjee, Sr. Adv.
Mr. Srikumar Chakraborty
...For UOI

Dictated by SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsels.
2. With consent finally heard.
3. This petition assails the order of the Central Administrative Tribunal dated 20.12.2024 passed in OA No.350/333/2018, which was disposed of by the Tribunal by setting aside the impugned order and directed the department to recalculate the seniority of petitioner by counting her service from the date she acquired her degree i.e. 14.09.1995 on the post of Librarian and Information Assistance and publish a fresh seniority list.

4. Criticizing this finding, the learned counsel for the petitioner heavily relied upon a corrigendum issued by the department on 9th February, 2018 (Annexure P-12). By virtue of this corrigendum, the petitioner's date of seniority and appointment was altered as 14.09.1992 in place of 20.09.1995. The petitioner placed reliance on this corrigendum and prayed for certain reliefs. By taking this Court to the pleadings and the body of the impugned order, more particularly, the internal page no.8, the learned counsel for the petitioner submits that although the learned Tribunal has mentioned about the argument of the petitioner and referred the said corrigendum dated 9th February, 2019 in para 8 of the impugned order, did not deal with the said corrigendum at all in the finding portion of the impugned order. He submits that the impugned order, therefore, is liable to be set aside and the OA needs to be restored to its original number and file so that the Tribunal may examine the necessary pleadings and

documents and pass a fresh order in accordance with law.

5. Considering the time passed in between the learned counsel for the petitioner submits that he may be permitted to file amendment application before the Tribunal to shorten the litigation.
6. Learned counsel for the department supported the impugned order and submitted that the petitioner's seniority was rightly assigned from 14.09.1995.
7. We have heard the parties at length and perused the record. The Corrigendum reads thus :-

“ No.ADM/CON/S-I(25/1)6799
Government of India
National Library
Kolkata

9th Feb, 2008

CORRIGENDUM

The circular No.67 of 2017, dated 07.02.2018, shall be modified as under.

Against Sl. No.05, date of joining in the govt. service of Smt. Rupa Mukherjee, Library and Information Assistant shall be **replaced by 14.09.1992 in place of 29.09.1995.**

Other terms mentioned in the Circular No.67 of 2017-18, dated 07.02.2018 shall remain unchanged.

(B.N. Rao)
Head of Office”

8. In page 8 of the impugned order, as rightly pointed out, the Tribunal referred about this corrigendum but did not deal with the said corrigendum at all in the finding portion of the order. The findings of Tribunal are too sketchy, too cryptic and too short. The findings reduced in writing [from paragraph 4 to 6] of the impugned order read thus:-

“4. Heard learned counsel for both the parties and perused the materials on record.

5.It is an admitted fact and not disputed by the parties, that the applicant who was appointed by the respondents’ department on compassionate ground in the year 1992 as Library & Information Assistant without having the degree of Library and Information Science. So she completed her degree by September, 1995 and by that time, her probation period was already over.

6. Therefore, respondents are directed to recalculate the seniority position of applicant by counting her service from the date when she acquired her degree i.e. 14.09.1995 to the post of Library and Information Assistant and publish a fresh seniority list, within a period of 06 months' from the date of receipt of copy of this order. Hence, we quash and set aside the impugned orders dated 26.05.2017, 19.12.2017 and 07.02.2018.

With these directions, OA stands disposed of. No costs."

9. Seniority in service jurisprudence is a vexed question. While dealing with the said question it is expected that a judicial forum will devote sufficient reasons to decide as to which date of seniority (and for what reasons) needs to be followed. The Corrigendum, as rightly highlighted, was a crucial document, which has escaped notice of the Tribunal in the analysis/reasoning portion i.e. paragraph nos.5 and 6. Thus, the impugned order of the Tribunal is liable to be axed and we order accordingly. Resultantly, OA

No.350/333/2018 is restored to its original number and file. It will be open to the applicant/petitioner to file an application for amendment to shorten the litigation, if law so permits. If such an application is filed the Tribunal shall consider and decide it in accordance with law.

10. With aforesaid, and without expressing any opinion on merit the petition is **disposed of**.
11. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, CJ.]

[PARTHA SARATHI SEN, J.]