

K.N. Mishra And Ors. vs Union Of India (Uoi) And Ors. on 17 February, 1987

Equivalent citations: JT1987(1)SC629, 1987(1)SCALE365, 1987SUPP(1)SCC256, AIRONLINE 1987 SC 157, 1997 (10) SCC 768, AIRONLINE 1996 SC 586, 1988 SCC (L&S) 137, 1987 SCC (SUPP) 256, (1987) 1 JT 629(1) (SC), (1996) 1 ACC 335, (1996) 1 JT 586 (SC), (1996) 1 SCR 564 (SC), (1996) 2 BLJ 241, (1996) 2 CIVLJ 14, (1996) 2 PUN LR 331, 1996 (2) SCC 157, (1996) 2 TAC 77, (1996) 86 COMCAS 118, (1996) ACJ 366, 1996 SCC (CRI) 223, (1996) SC CR R 368, 1996 UJ(SC) 1 337, (1997) 68 ECR 513, (1997) 89 ELT 21, (2003) 10 SCALE 1112, (2003) 3 BANKCLR 10, (2004) 100 FACLR 428, (2004) 104 FJR 456, (2004) 14 ALLINDCAS 106, (2004) 14 INDLD 576, (2004) 1 CURLR 317, (2004) 1 LABLJ 583, (2004) 1 LAB LN 527, 2004 (1) SCC 574, (2004) 1 SCT 480, (2004) 2 SERVLJ 218, (2004) 3 LANDLR 40, (2004) 4 SUPREME 337, 2004 SCC (L&S) 257

Bench: O. Chinnappa Reddy, S. Natarajan

ORDER

1. At the time of granting special leave this Court limited the appeal to the question "Whether the principle of continuous officiation upon which the Central Administrative Tribunal has directed inter-se seniority to be determined as between direct recruits and promotes to the posts of Assistant Grade IV of the service conflicts with Sub-rule 6 of Rule 16 of the Armed Forces Headquarters Civil Service Rules 1969 which relates to determination of Inter-se seniority of the direct recruits.

2. On a perusal of the order of Administrative Tribunal we find that what was decided by the Tribunal was only the question of seniority vis-a-vis the direct recruits and not the question of seniority of the direct recruits amongst themselves. That question was left open. The tribunal observed that Sub-rule 6 of Rule 16 laid down that direct recruits shall be ranked inter-se in the order of merit in which they were placed at the Competitive examination on the results of which they were recruited, the recruits of an earlier examination being ranked senior to those of later examination. The tribunal also recorded that there was no quarrel about this in the petition. Later, the tribunal observed that if there is any discrepancy in fixation of the seniority amongst the direct recruits themselves, it is always open to them to make their representation and for the Government to rectify the errors, if any, without, however, effecting the seniority of promotees who have been declared seniors to the direct recruits on account of their continuous officiation. We do not see any conflict between the direction given by the Tribunal and Sub-rule 6 Rule 16 of the Armed Forces Headquarters Civil Service Rules 1968, We make it clear that seniority amongst direct recruits themselves will be determined in accordance with Sub-rule 6 of Rule 16 of the Rules but it will not effect the seniority of the promotees In any manner which has to be determined on the basis of

continuous officiation.. Subject to this observation, the appeals are dismissed. Interim orders are vacated.

3. No costs.