

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3236-3237 OF 2000

G. VIDYASAGAR & ANR.
APPELLANTS

... APPELLANTS

VERSUS

GOVERNMENT OF A.P. & ORS.
RESPONDENTS

... RESPONDENTS

O R D E R

The dispute involved in these two appeals is with regard to the fixation of

inter se seniority between the direct recruits and promotees in the rank of Assistant

Conservator of Forests. The appellants herein are the promotees. The challenge in these

two appeals is to the order of the High Court dated 31.12.1998 confirming the order dated

28.4.1997 passed by the Andhra Pradesh Administrative Tribunal.

This case has chequered history. The promotees filed O.A. R.P. No.3183 of

1988 before the Tribunal questioning the inter se seniority list of the direct recruits against

promotees. The Tribunal disposed of the O.A. by its detailed order on 17.4.1995 with a

clear direction to the respondent to fix the inter se seniority list in accordance with the said

directions. The appellants are not aggrieved by the direction of the Tribunal contained in its

order dated 17.4.1995. Therefore, the direction of the Tribunal of 17.4.1995 has attained

finality.

It appears that pursuant to the aforesaid direction of the Tribunal a provisional seniority list was prepared on 17.6.1995. After inviting objections from the direct recruits as well as promotees, the appropriate Government by its order dated 2.12.1995 approved the seniority list and the final seniority list was published on 7.12.1995 that is with effect from 1.1.1976 to 1.1.1995.

The aforesaid final seniority list has been assailed by the promotees (appellants herein) by filing O.A.Nos.537 and 551 of 1996 which was dismissed by the Tribunal on 28.4.1997. Against the dismissal of the O.As. the appellants have carried an unsuccessful writ petition before the High Court. Hence the present appeals.

The question revolves around for determination in these appeals is as to whether the final inter se seniority list published on 7.12.1995 was in accordance with the direction issued by the Tribunal on 17.4.1995. The High Court examined this matter and came to a finding that the final seniority list published on 7.12.1995 has been prepared strictly in accordance with a direction issued by the Tribunal on 17.4.1995.

The learned counsel for the appellant, however, contended that the final seniority list prepared and published on 7.12.1995 was contrary to the direction of the Tribunal in its judgment dated 17.4.1995. We have been taken through the entire lengthy judgment of the Tribunal dated 28.4.1997 and we found the clear and categorical finding that the final seniority list published on 7.12.1995 has been prepared in accordance with the direction given by the Tribunal on 17.4.1995.

As already noticed the appellants have no grievance against the judgment of the Tribunal passed on 17.4.1995. Once it is held that the final seniority list has been prepared and published in accordance with the direction of the Tribunal on 17.4.1995, we see no reason as to how and why the appellants should have any grievance against an order for which no appeal has been filed by them. The finding that the final seniority list was prepared and published on 7.12.1995 was in accordance with the direction of the Tribunal on 17.4.1995 is a finding of fact concurrently held by the two courts.

In the facts and circumstances stated above, we see no reason to interfere with the well reasoned findings recorded by the Tribunal and affirmed by the High Court. These two appeals are accordingly dismissed. The parties are asked to bear their own costs.

.....J.

(H.K. SEMA)

.....J.

(TARUN CHATTERJEE)

NEW DELHI,
JULY 18, 2006.

ITEM NO.105

COURT NO.7

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(S). 3236-3237 OF 2000

G. VIDYASAGAR & ANR.

Appellant (s)

VERSUS

GOVT. OF A.P. & ORS

Respondent(s)

(With appln(s) for permission to submit additional document(s) and office report)

Date: 18/07/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. J.R. Manohar, Adv.

Mr. G. Ramakrishna Prasad, Adv.

Mr. Mohd. Wasay Khan, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

For Respondent(s)

Mr. Sundra Vardhan, Sr. Adv.

Mr. Manoj Saxena, Adv.

Mr. Rajnish Kr. Singh, Adv.

Ms. Sameera Ahmed, Adv.

Mr. Rahul Shukla, Adv.

Mr. T.V. George, Adv

Mr. T.V. Ratnam, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. J.R. Manohar, learned counsel appearing for the appellants started his arguments at 12.15 p.m. and concluded at 2.40 p.m. Hearing concluded.

The appeals are dismissed in terms of the signed order. The part

ies are asked

to bear their own costs.

(PAWAN KUMAR)

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COURT MASTER

(ANAND SINGH

COURT MASTER

(signed order is placed on the file)