



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. Nos.020/01863 to 01885/2015 and
O.A.No.020/327/2016

Date of Order :30.10.2019.

O.A.Nos.020/1863 to 1885/2015

Between :

1. S.Jaya Raju, s/o late Sri S.Ganga Raju,
Aged 55 yrs, Occ:UDC, Naval Dockyard,
Vizag-530 014, r/o 7-211, Sri Ram Nagar,
Gopalapatnam, Vizag-530 027. (OA.No.1863/2015)
2. Durga Prasad Patnaik, s/o late R.Sanyasi Rao
Patnaik, aged 55 yrs, Occ:UDC, Naval Dockyard,
Vizag, R/o Qr.No.P-63/1, Ashoka Park, Defence
Civilian Colony, Kancharapalem Post,
Visakhapatnam-08. (OA.No.1864/2015)
3. Smt.P.Rajeswari, w/o P.V.Babu Rao, aged 58 yrs,
Occ:UDC, Naval Dockyard, Vizag, r/o 50-93-18/5,
Flat No.6, Amrutha Nivas, Santhipuram,
Visakhapatnam-16. (OA.No.1865/2015)
4. Ch.Nageswara Rao, s/o Ch.Appanna,
Aged 58 yrs, Occ:UDC at INS Eksila,
Visakhapatnam, r/o D.No.18-147, Velama
Thota Pendurthy, Visakhapatnam-73. (OA.No.1866/2015)
5. Pappala Appa Rao, s/o P.Ramana,
Aged 59 yrs, Occ:UDC, Naval Dockyard, Vizag,
r/o D.No.38-35-11, Ranapratap Nagar, Marripalem,
Visakhapatnam-18. (OA.No.1867/2015)



6. Polamarasetti Appa Rao, s/o P.Jagga Rao,
Aged 58 yrs, Occ:UDC, Naval Dockyard,
Vizag, r/o Ground Floor-1, Krishna Castle,
D.No.27-8-319, Srinagar, Gajuwaka,
Vizag-26. (OA.No.1868/2015)

7. M.Dharmayya, s/o late M.Kameswara Rao,
Aged 58 yrs, Occ:UDC, Naval Dockyard, Vizag,
r/o 505, Aruna Apartments, Railway New Colony,
Vizag-16. (OA.No.1869/2015)

8. Yejjala Venkateswara Rao, s/o late Y.Bangarayya,
Aged 60 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o Plot No.99, Sector-10, Appughar Road,
MVP Colony, Vizag-17. (OA.No.1870/2015)

9. T.V.Appa Rao, s/o late T.Dharma Rao,
aged 59 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o D.No.33-4-28, Nerellakoneru Street, Allipuram,
Vizag-04. (OA.No.1871/2015)

10. Robbi Chandra Rao, s/o late Kali Prasad,
aged 59 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o 10-8-9, Somarajupeta, Anakapalli,
Vizag. (OA.No.1872/2015)

11. J.Syam Babu, s/o late Kali Prasad,
aged 58 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o D.No.2-14-10/6, Flat No.B-6, MIG-1, 40 & 41,
Sai Ratna Residency, Sector-6, MVP Colony,
Vizag-17. (OA.No.1873/2015)



12. K.Ramshankar, s/o late K.Gavarasetti,
60 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o D.No.54-15-9/5, Bharat Residency,
Near Infant Jesus Church,
Seethammadhara, Vizag-13. (OA.No.1874/2015)

13. B.V.Ramana Murthy, s/o late B.Kanna Babu,
aged 57 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o D.No.49-39-9, NGO's Colony, Akkayyapalem,
Vizag-13. (OA.No.1875/2015)

14. A.Raghupathi, s/o late A.Jagannadha Rao,
aged 59 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o Flat No.443, Sri Sai Ganesh Residency,
Visalakshi Nagar, Vizag-43. (OA.No.1876/2015)

15. Bathina Gupteswara Rao, s/o B.V.Ramana Rao,
Aged 59 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o D.No.29-17-7, Gollalapalem Jail road,
Vizag. (OA.No.1877/2015)

16. D.Venkata Rao, s/o D.Ramu Naidu,
Aged 58 yrs, Occ:UDC, Naval Dockyard,
Vizag-14, r/o D.No.45-37-66, Jagannadhapuram
Akkayyapalem (PO), Vizag-16. (OA.No.1878/2015)

17. Smt.D.Sarada Devi, w/o late B.Rama Murthy,
Aged 56 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
O/o AGM (RP's) Office, Naval Dockyard,
Vizag-14. (OA.No.1879/2015)



18. NGVS Balaram, s/o late N.Sankara Sastry,
Aged 60 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o D.No.10-146/1/2, PF Colony, Samatanagar,
Chinamushidivada, Pendurthi Mandal,
Vizag-51. (OA.No.1880/2015)

19. Polamarasetty Varaha Satyanarayana,
s/o RamuNaidu, aged 59 yrs, Occ:UDC,
Naval Dockyard, Vizag-14, r/o C/o P.Jagga Rao,
D.No.61-2-27/11, Ramakrishna Puram,
Malkapuram, Vizag-11. (OA.No.1881/2015)

20. M.Surya Chandra Rao, s/o late
M.V.Satyanarayana, Aged 58 yrs, Occ:UDC,
Naval Dockyard, Vizag-14,
r/o D.No.3-34-11, Plot No.303, 2nd Floor,
Fortune RoyalResidency, Bakkannapalem,
Madurawada Post, Vizag. (OA.No.1882/2015)

21. Smt.A.V.Satyavathi, d/o A.N.Rao,
aged 52 yrs,Occ:UDC, Naval Dockyard, Vizag-14,
r/o D.No.39-26-86/1,Rajeev Nagar, Punjab Hotel Jn.,
Marripalem, Vizag-18. (OA.No.1883/2015)

22. Smt.Manju Sah, W/o/S/o Late Dayanand
Prasad Sah, Aged 52 yrs, Occ:UDC, Naval Dockyard,
Vizag-14, r/o D.No.63-3-70/5, Jawahar Nagar,
Malkapuram Post, Sriharipuram,
Vizag-11. (OA.No.1884/2015)



23. K.V.S.G.P.Sastry, s/o late Veerabhadra Rao,
aged 53 yrs, Occ:UDC, Naval Dockyard, Vizag-14,
r/o T2 (14-309), Vijaya Sai Enclave-I,
Beside Balaji Public School, RRV Puram Post,
Vizag-29. (OA.No.1885/2015)

...Applicant s

And

1. Flag Officer Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Naval Base, Visakhapatnam-530 014.

2. Chief of Naval Staff, Integrated Headquarters
Of M/o Defence (Navy), M/o Defence (Navy),
New Delhi-110 011.

3. Sri S.Srinivasa Rao, occ: UD Clerk,
Materials Organization (Vizag), O/o Materials
Superintendent, Indian Navy, Visakhapatnam-
530 008.

4. D.Suryamani, s/o late Sri D.Subramanyam,
Aged 57 yrs, Occ:UDC, C/o Admiral Superintendent,
Naval Dockyard, Visakhapatnam-530 014.

5. G.L.N.Sastry, s/o late Sri G.Viswanatham,
Aged 51 yrs, occ:UDC, O/o the Principal Director,
Missile Systems & Quality Assurance Agency at
DRDL Complex, Kanchanbagh post, Hyderabad-58.

6. Mrs.M.V.N.Mani, d/o late Sri M.S.R.Meher Babu,
Aged 55 yrs, Occ:UDC, O/o Admiral Superintendent,
Naval Dockyard, Visakhapatnam-530 014.



7. N.Chitti Raju, s/o Sri late N.Narayana Rao, aged 59 yrs, Occ:UDC, The Admiral Superintendent, Naval Dockyard, Visakhapatnam-530 014.
8. Ch.V.R.Chetty, s/o late Sri Ch.V.Ramanujam, aged 53 yrs, Occ:UDC, The Base Victualling Officer, Base Victualling Yard, Visakhapatnam-9.
9. A.Raja Rao, s/o Sri Sanyasi, aged 57 yrs, occ:UDC, The Material Superintendent, Materials Organization, Visakhapatnam-9.
10. Mrs.M.Jayasree, d/o late Sri G.Joseph, aged 56 yrs, Occ:UDC, The Flag Officer Commanding in Chief HQ ENC, Visakhapatnam-530 014.
11. S.Saradhi Babu, s/o Sri S.Madhusudhana Rao, Aged 44 yrs, Occ:UDC, The Admiral Superintendent, Naval Dockyard, Visakhapatnam-530 014.
12. D.Rajashekar, s/o Sri D.Krishnam Naidu, aged 46 yrs, Occ:UDC, O/o Commanding Officer, INS Rajali Aakonam Tamil Nadu-631 006.
13. Mrs.Uma Maheswari, w/o Sri R.Mahadevan, Aged 54 yrs, Occ:UDC, O/o Commanding Officer, INS Kattabomman, Vijayanarayam Tirunelveli Dt.Tamil Nadu-627 119.
14. Smt.P.Kalaiselvi, w/o Sri A.Parameswaran Pillai, Aged 48 yrs, Occ:UDC, O/o Naval Officer In charge, St.George Fort, Tamil Nadu.
15. P.Madasamy, s/o I.Velusamy, aged 45 yrs, Occ:UDC, O/o INS Kattabomman, Vijayanarayam Tirunelveli Dt.Tamil Nadu-627 119.



16. S.Kuppu Swamy, s/o Sri N.Shanumugam, aged 55 yrs,
Occ:UDC, O/o INS Kattabomman, Vijayanarayam,
Tirunelveli Dt. Tamil Nadu-627 119.

17. Shaik Dawood Basha, s/o Sri S.Dastagiri Saheb,
Aged 61 yrs, Occ:Retd. UDC, r/o H.No.2-88/4, Kakani Nagar,
NAD post, Visakhapatnam-530 009.

18. D.V.Satyanarayana, s/o late Sri D.Surana, aged 59 yrs,
Occ:UDC, r/o D.No.53-33/2/2, KRM Colony,
Seethamadhara, Visakhapatnam-530 013.

... Respondents

Counsel for the Applicants ... Dr.K.Lakshminarasimha

Counsel for the Respondents ...Mrs.K.Rajitha, Sr.CGSC
...Mr.K.R.K.V.Prasad for R-4 to R-16
...Mrs.Anita Swain for R-17 & R-18

O.A.No.020/00327/2016:

Between:

S.Jaya Raju, s/o late Sri S.Ganga Raju,
Aged 55 yrs, Occ:UDC, Naval Dockyard,
Vizag-530 014, r/o 7-211, Sri Ram Nagar,
Gopalapatnam, Vizag-530 027.

...Applicant

A n d

1. Flag Officer Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Naval Base, Visakhapatnam-530 014.

2. Chief of Naval Staff, Integrated Headquarters
Of M/o Defence (Navy), M/o Defence (Navy),
New Delhi-110 011.

...Respondents

Counsel for the Applicant ... Dr.K.Lakshminarasimha
Counsel for the Respondents ...Mrs.K.Rajitha, Sr.CGSC



CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)**

ORAL ORDER

(As per Hon'ble Mr.Justice L.Narasimha Reddy, Chairman)

In this batch of OAs, common questions of fact and law are involved. Hence, they are disposed of by this common order.

2. The applicants were appointed as Lower Division Clerks (LDC) in the Eastern Naval Command, between 1979 and 1984. Promotions were effected to the post of Upper Division Clerk (UDC). Considerable litigation ensued in the context of determining the length of services of LDCs for the purpose of promotion, particularly, in cases of the employees, who were engaged on casual basis, and regularized thereafter. On account of the relief granted to them in the judicial proceedings, more than 100 LDCs, who were earlier denied promotion, had to be promoted. That in turn resulted in creation of 138 supernumerary posts of UDCs. To overcome this spurt, further promotions to the post of UDC were kept on freeze for some years.



3. Appointment to the post of UDC is on the basis of promotion, to the extent of 75%; and through Limited Departmental Competitive Examination (LDCE), to the extent of 25%. The promotions to the post of UDC were taken up only in the year 2006 in both the channels. A draft seniority list of UDCs appointed in the year 2006 was published on 17.05.2007. The candidates, who are qualified in the LDCE examination were shown against the vacancies of various earlier years. The applicants submitted their objections in November 2015. Those objections were rejected by the respondents through an order dated 23.12.2015. Challenging the action of the respondents in treating them as juniors to various UDCs appointed through the process of LDCE, and to treat them as seniors to such UDCs, the applicants filed these OAs.

4. On behalf of the respondents, counter-reply statements are filed. It is stated that the promotion or appointment to the post of UDC in the Organization has virtually been frozen on account of creation of 138 supernumerary posts in the year



1989 and once such exercise has been undertaken, subsequent steps were initiated in filling up the posts in the ratio of 3:1 between promotees and LDCEs. According to the official respondents, the vacancies of each and every year are to be earmarked for both categories and the respective vacancies of the LDCE for the respective years were filled up with the eligible candidates and the seniority was also fixed accordingly.

5. We heard Dr.K.Lakshmi Narasimha, learned counsel appearing for the Applicants, Mrs.K.Rajitha, learned Senior Central Govt. Standing Counsel appearing for the Official Respondents, Mr.K.R.K.V.Prasad, learned counsel appearing for Private Respondents 4 to 16 and Mrs.Anita Swain, learned counsel appearing for the Private Respondents 17 and 18.

6. It is not in dispute that the promotion to the post of UDC in the respondent-Organization is on the basis of seniority to the extent of 75% and performance in the LDCE to the extent of 25%. Had the promotions taken place each year against the corresponding vacancies, no problem, as such whatever, would have arisen.



7. It is not in dispute that as a result of adjudication by this Tribunal, vide order dated 14.05.1987 in O.A.No.402/1986 and batch, the LDCs, who were earlier denied promotion, were extended the benefit, ignoring the break in service and were also made eligible for seniority. 138 LDCs were promoted to post of UDC, by creating supernumerary vacancies. This naturally resulted in freezing of the promotions to the post of UDC till the incumbents, over and above the approved strength of UDCs, have either been promoted or retired from service. That occurred only in the year 2006. The respondents initiated steps for appointment to the posts of UDC for both channels.

8. The promotion to the post of UDC on the basis of seniority cannot be said to have been hampered in any manner. As a matter of fact, many LDCs got out of turn promotion to that post. The disadvantage, if at all, was only for the category of LDCE. The examination was not conducted almost for one and half decades. Naturally, the vacancies that were referable for each of those years, are required to be identified and the incumbents to be shown against such vacancies as and when selected. The administration has done only that.



9. The relief claimed by the applicants is moulded in different forms, but the seniority of the applicants is the one indicated below.

S. No.	Name of the Applicant	Date of appointment as LDC	Serial No. in the LDC Seniority list	Date of Promotion as UDC	Serial No. in the impugned UDC Seniority list
1.	S.Jaya Raju	20.12.79	54	1.7.08	42
2.	Durga Prasad Patnaik	1.4.80	65	15.7.09	64
3.	Smt.P.Rajeswari	5.5.81	94	15.7.09	83
4.	Ch.Nageswara Rao	19.3.79	78	15.7.09	73
5.	Pappala Appa Rao	5.5.81	89	15.7.09	79
6.	Polamarasetti Appa-Rao	5.5.81	90	15.7.09	81
7.	M.Dharmayya	11.5.81	109	15.7.09	96
8.	Yejjala Venkateswara Rao	12.5.81	115	18.2.11	108
9.	T.V.Appa Rao	15.5.81	116	18.2.11	110
10.	Robbi Chandra Rao	16.7.81	123	28.2.11	117
11.	J.Syam Babu	14.10.81	128	18.2.11	121
12.	K.Ramshankar	29.10.81	129	18.2.11	122



13. B.V.Ramana Murthy	31.10.81	130	19.2.11	124
14. A.Raghupathi	2.11.81	131	18.2.11	125
15. Bathina Gupteswara Rao	12.11.81	135	18.2.11	129
16. D.Venkata Rao	1.12.81	138	18.2.11	131
17. Smt.D.Sarada Devi	6.2.82	143	18.2.11	135
18. NGVS Balaram	15.4.82	146	18.2.11	138
19. Polamarasetty Varaha Satyanarayana	19.4.82	148	18.2.11	140
20. M.Surya Chandra Rao	16.12.82	174	1.11.13	159
21. Smt.A.V.Satyavathi	14.3.83	192	14.2.12	173
22. Smt.Manju Sah	27.8.83	242	19.9.13	206
23. KVSGP Sastry	15.3.84	243	29.3.12	120

They wanted promotion to the post of UDC with retrospective effect i.e., from the date of vacancies arose between 1986-2007 and in preference to those appointed on the basis of their performance in the LDCE.

10. The applicants contend that the action of the respondents in treating the UDCs appointed through LDCE as seniors to the promotees cannot be sustained in law, and that the seniority in the post of LDC must be reflected in the post of UDC also.



11. The applicants are not able to establish that the places allocated to the LDCs appointed through LDCE are improper or incorrect. The vacancies of the respective years were identified and the selected candidates are posted. The applicants have never complained that any one junior to them in the promotion category was placed above them, in the draft seniority list. They cannot compare themselves with the LDCE candidates. As a matter of fact, many of the applicants, who have appeared in the competitive examination, were not successful. The respondents have assigned cogent reasons in support of their action.

12. We, therefore, do not find any merit in these OAs and the OAs are accordingly dismissed. No order as to costs.

Sd/-

(B.V.SUDHAKAR)
MEMBER (ADMN.)

Sd/-

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated: this the 30th day of October , 2019

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