

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 240/97

New Delhi this the 10th day of February 1998

Hon'ble Shri S.R. Adige, Vice-Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Dakarapu Venkateshwar Rao,
Works Manager,
Heavy Vehicles Factory,
Avadi, MADRAS-600 054.

.....Applicant

(By Advocate: None)

Versus

1. DGOF/Chairman,
Ordnance Factory Board,
Ministry of Defence,
Dept. of Defence Production and Supplies,
10-A Aukland Road, Calcutta- 700 001.
2. Ministry of Defence,
Represented by
Secretary (Defence Production and Supplies)
South Block, New Delhi-110 011.
3. Sri R.R. Nagar, DGM,
Small Arms Factory,
Kanpur-208 002.
4. Sri. Basu Deb Nayak, DGM,
Ordnance Factory,
Kanpur- 208 009.
5. Sri P.C. Kamble, DGM,
Ordnance Factory,
Ambajhari - 440 021.
6. Sri S.R. Mandal, DGM,
Vehicle Factory,
Jabalpur- 482 009.
7. Sri B.K. Biswas, DGM,
Metal & Steel Factory,
Ishapore- 743 144.
8. Sri Pranhadbhu Ghatak, DGM,
Rifle Factory,
Ishapore- 740 144.
9. Sri Sankardas Paul, DGM,
Rifle Factory,
Ishapore- 740 144.
10. Sri S.P. Mishra,
Joint Director,
Ordnance Factory Board,
Calcutta- 700 001.
11. Sri A.K. Panda,
Joint Director,
Ordnance Factory Board,
Calcutta-700 001.

(By Advocate: Shri V.S.R. Krishna)

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12. Vidya Sagar Verma, Dy. Director,
Ordnance Factory Staff College
Ambajhari, Nagpur-440021.
13. Gerald Leo Alocius, Works Manager
Ordnance Factory, Dehu Road - 412113
14. R.D Pande, Works Manager
Vehicle Factory, Jabalpur- 482009.
15. R.Munusamy, Works Manager
Gun Carriage Factory, Jabalpur-482001.
16. C.B. Sharma, Works Manager
Ordnance Factory, Varangaon-425308.
17. M.G Burde, Works Manager
High Explosives Factory, Kirkee, Pune-411003.
18. A.V.S, Rama Krishna, Works Manager,
Opto Electronics Factory, Dehradun -248008.
19. C.S Vishwakarma, Works Manager
Gun Carriage Factory, Jabalpur-482001.
20. Arun Kumar Jain, Works Manager
Opto Electronics Factory, Dehradun-248008.
21. A.K Tiwari, Works Manager,
Ordnance Factory, Kanpur -208009.
22. Narendra Kumar, Dy. Director
Ordnance Factory Board, Calcutta - 1..
23. S.K.Singh, Works Manager
Small Arms Factory, Kanpur-208001.
24. M.R.Sublok, Works Manager
Ordnance Factory, Katni-483503.
25. K.R. Murthy, Works Manager
Ordnance Factory, Ambajhari, Nagpur-440021.
26. Thaminder Singh, Works Manager
Ordnance Factory, Ambajhari, Nagpur-440021.
27. Arvind Kumar Agarwal, Works Manager
Grey Iron Foundry, Jabalpur-482009.
28. Deepak Kumar Talukdar, Works Manager,
Rifle Factory, Jharpore-740144.
29. S.P.Saxena, Works Manager
Heavy Vehicles Factory, Avadi, Madras -600054.
30. R.S.Jauhari, Works Manager
Ordnance Factory, Kanpur -208009.
31. D.K.Chatterjee, Works Manager
Ammunition Factory, Kirkee, Pune -411003.

51. R.S.Shabnam, Works Manager,
Gun Carriage Factory, Jabalpur-482001.

Return with names

Applicant

G. SUBRA
Adv

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32. Paritosh Basu, Works Manager
Ordnance Factory, Dum Dum, Calcutta -700069.
33. B.P.Maity, Dy. Director
Ordnance Factory Board, Calcutta - 1.
34. T.G.Subramanian, Works Manager
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
35. R. Muthuvel, Works Manager
Heavy Vehicles Factory, Avadi, Madras -600054.
36. T.K.Mandal, Dy. Director,
Ordnance Factory Board, Calcutta -700001.
37. Bharat Singh, Works Manager
Gun Carriage Factory, Jabalpur-482001.
38. Prabhat Verma, Works Manager
Gun Carriage Factory, Jabalpur-482001.
39. S.C.Panigrahi, Works Manager
Ordnance Factory, Bolangir -767770.
40. T.K.Sinha, Dy. Director,
Ordnance Factory Board,
10A, Auckland Rd., Calcutta -700001.
41. R.K.Tiwari, Works Manager
Ordnance Factory, Bolangir -767770.
42. R.M.Pillai, Works Manager
Heavy Vehicles Factory, Avadi, Madras -600054.
43. E.R.Sheik, Works Manager
Ammunition Factory, Kirkee, Pune -411003.
44. S.C.Gupta, Works Manager
Opto Electronics Factory, Dehradun -248008.
45. K.K.Pati, Works Manager
Ordnance Factory, Bolangir -767770.
46. Rajnish Lodwal, Works Manager
Vehicle Factory, Jabalpur- 482009.
47. C.B.Markam, Works Manager,
Ordnance Factory, Khamara, Jabalpur -482005.
48. M.S.Tamhane, Works Manager,
Ordnance Factory, Bhandara -441906.
49. Rajib Chakraborty,
Dy. Director, Ordnance Factory Board 10A,
Auckland Rd., Calcutta -700001.
50. Pulakranjan Mandal, Works Manager,
Ordnance Factory, Dumdum, Calcutta -700069.
51. R.S.Shabnam, Works Manager,
Gun Carriage Factory, Jabalpur-482001.

52. S.K. Gupta, Works Manager,
Ordnance Factory, Kanpur -208002.
53. S.Santosh Kumar, Works Manager
Heavy Vehicles Factory, Avadi, Madras -600054.
54. D.Gangopadhyay, Works Manager,
Ammunition Factory, Kirkee, Pune -411003.
55. N.S.Lamba, Works Manager,
Ordnance Equipment Factory, Kanpur -208001.
56. J.Nagarajan, Works Manager,
HAPP, Tiruchirappalli -620016.
57. P.S.Edgaokar, Works Manager,
Ordnance Factory, Dehu Road -412113.
58. K.K.Trivedi, Works Manager,
Ordnance Factory, Varangaon -425308.
59. Lucas Dhanraj, Works Manager,
Ordnance Factory, Itarsi -461122.
60. B.P.Das, Works Manager,
Ordnance Factory, Itarsi -461122.
61. Basant Kumar, Works Manager,
Ordnance Factory, Chandrapur -442501.
62. R.R.Shende, Works Manager,
High Explosives Factory, Kirkee, Pune -411003.
63. Gobinda Halder, Works Manager,
Ammunition Factory, Kirkee, Pune -411003.
64. S.V.Bhate, Works Manager,
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
65. P.L.Pathak, Works Manager,
Opto Electronics Factory, Dehradun -248008.
66. A.K.Pathak, Works Manager,
Opto Electronics Factory, Dehradun -248008.
67. B.B.Rao, Works Manager,
Heavy Vehicles Factory, Avadi, Madras -600054.
68. C.K.B.Nair, Works Manager,
Ordnance Factory, Kanpur -208009.
69. I.M.Sakhare, Dy. Director,
Ordnance Factory Board, 10A, Auckland Rd., Calcutta -700001.
70. Tapabrata Basu, Works Manager,
Metal & Steel Factory, Ishapore -743144.
71. K.K.Pakray, Works Manager,
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
72. J.S.Dhadwal, Works Manager,
Heavy Vehicles Factory, Avadi, Madras -600054.

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73. S.P.Chakravarthi, Dy. Director.
Ordnance Factory Board, 10A, Auckland Rd., Calcutta -700001
74. Asutosh Kumar, Works Manager,
Field Gun Factory, Kanpur -208009.
75. L.B.Sing, Works Manager,
Grey Iron Foundry, Jabalpur -482009.
76. A.K.Mandal, Works Manager,
Gun Carriage Factory, Jabalpur-482001.
77. D.M.Puri, Works Manager,
Vehicle Factory, Jabalpur- 482009.
78. T.R.Nanda, Works Manager,
Grey Iron Foundry, Jabalpur -482009
79. Kashmir Singh, Works Manager,
Small Arms Factory, Kanpur -208002.
80. Gopalji Jha, Works Manager,
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
81. K.Apparao, Works Manager,
Engine Factory, Avadi, Madras -600054.
82. S.K.Godke, Works Manager,
Ammunition Factory, Kirkee, Pune -411003.
83. S.Rangarajan, Works Manager,
Engine Factory, Avadi, Madras -600054.
84. T.K.Bandyopadhyay, Works Manager,
Heavy Vehicles Factory, Avadi, Madras -600054.
85. A.K.Kundu, Works Manager,
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
86. M.P.Sharma, Works Manager,
Ordnance Factory, Chandrapur -442501.
87. Ashok D.Basu, Works Manager,
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
88. A.K.Maity, Under Secretary, Directorate Ordnance Factory Planning,
Ministry Ordnance Factory Defence, H Block, Sena Bhavan, New Delhi -110011.
89. Om Prakash Raisadi, Works Manager,
Engine Factory, Avadi, Madras -600054.
90. S.K.Balasubramaniam, Works Manager,
Heavy Vehicles Factory, Avadi, Madras -600054.
91. S.Sridharan, Works Manager,
Machine Tool Prototype Factory, Ambarnath -421502.
92. A.K.Acharya, Works Manager,
Ordnance Factory Ambajhari, Nagpur -440021.
93. P.S.Sampath, Works Manager,
Heavy Vehicles Factory, Avadi, Madras -600054.

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94. A. Unnikrishnan, Works Manager, *Refer with...*
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
95. M.P. Saxena, Works Manager, *Refer with...*
Ordnance Factory, Kanpur -228009.
96. V.R. Reddy, Works Manager, *Refer with...*
Heavy Vehicles Factory, Avadi, Madras -600054.
97. R.K. Nayak, Works Manager,
Vehicle Factory, Jabalpur -482009.
98. R. Arunachalam, Works Manager, *Refer with...*
Heavy Vehicles Factory, Avadi, Madras -600054.
99. B.R. Sharma, Works Manager, *Refer with...*
Ordnance Factory, Kanpur -228009.
100. S.V. Srivastava, Works Manager, *Refer with...*
Vehicle Factory, Jabalpur -482009.
101. K. Tandan, Works Manager,
Small Arms Factory, Kanpur -208009.
102. Virendra Singh, Works Manager,
Ordnance Factory, Khamaria, Jabalpur -482005.
103. P.K. Dwivedi, Works Manager, *Refer with...*
Ordnance Factory Project, Meadak, P.O. Yeddumailaram -502205.
104. K.L. Saha, Works Manager, *Refer with...*
Gun & Shell Factory, Cossipore, Calcutta -700002.
105. Lal Chand, Works Manager, *Refer with...*
Vehicle Factory, Jabalpur -482009.
106. D.K. Dutta, Works Manager, *Refer with...*
Metal & Steel Factory, Ishapore -743144.
107. K.D. Swami, Works Manager, *Refer with...*
Ordnance Factory, Muradnagar -201206.
108. S.N. Athawade, Works Manager, *Refer with...*
High Explosives Factory, Kirkee, Pune -411003.
109. D. Shendo, Works Manager,
Ordnance Factory, Varangaon -425308.
110. K. Sukumaran, Works Manager, *Refer with...*
High Explosives Factory, Kirkee, Pune -411003.
111. Murari Lal, Works Manager, *Refer with...*
Ordnance Factory, Khamaria, Jabalpur -482005.
112. R.P. Rai, Works Manager, *Refer with...*
Ordnance Factory, Khamaria, Jabalpur -482005.
113. S.K. Bandopadhyay, Works Manager, *Refer with...*
Clothing Factory, Shajahanpur -242002.
114. P.K. Chaturvedi, Works Manager, *Refer with...*
Clothing Factory, Avadi, Madras -600054.

115. S.K. Banerjee, Works Manager, *gum*
Ordnance Equipment Factory, Kanpur-208001.
116. L. Mishra, Works Manager, *gum*
Ordnance Factory, Bolangir -767770.
117. Musharrif Ali, Works Manager, *gum*
Ordnance Equipment Factory, Kanpur -208001.
118. J.J.P. Prasad, Works Manager,
Opto Electronics Factory, Dehradun -248008.
119. Dibyenu Chowdhuri, Works Manager, *gum*
Opto Electronics Factory, Dehradun -248008.
120. Gopal Dutt Tewari, Works Manager, *gum*
Opto Electronics Factory, Dehradun -248008.
121. P. Rama Krisna, Works Manager,
Cordite Factory, Aruvankadu -643202. *gum*
122. Dr. Md. Sirajuddin. Works Manager, *gum*
Ordnance Factory, Dehradun -248008.
123. Gopal Singh, Works Manager, *gum*
Ordnance Factory, Varangaon -425308.
124. Mahadeo Tiwari, Works Manager,
Ordnance Factory, Kanpur -208009.
125. Prakash Singh, Works Manager, *gum*
Grey Iron Foundry, Jabalpor -482009.
126. Gangeshwar Jha, Works Manager, *gum*
Metal & Steel Factory, Ishapore -743144.
127. S.K. Chopra, Works Manager, *gum*
Ordnance Factory, Ambajhari, Nagpur -440021.
128. R.S. Singh, Works Manager, *gum*
Ordnance Factory, Katni -483503.
129. N.K. Choudhary, Works Manager,
Ammunition Factory, Kirkee, Pune -411003.
130. M.K. Mahapatra, Works Manager,
Ordnance Factory, Bolangir -767770.

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- RESPONDENTS

ORDER (ORAL)

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to respondents to modify or to amend the seniority list of Senior Time Scale grade officers of the Indian Ordnance Factories Services as on 1.1.93, placing his name between Serials 71 & 72 of the said seniority list.

2. None appeared for the applicant when the case was called out. We note that none has appeared on his behalf despite successive adjournments, and he has not cared to file his rejoinder to the respondents' reply. In this connection it is also noticed that on 13.10.97 a fresh notice was ordered to be issued to him to file his rejoinder, which under Rule 25(c) CAT Practice Rules ^{is} deemed to have been served upon him but despite that he has failed to file rejoinder and even to appear. In fact on that date it had been ordered that if counter/rejoinder was not filed by the next date of hearing it would be presumed that parties was not interested in filing the same and the matter would be decided on the basis of the available matter on record.

3. Shri VSR Krishna appeared for the official respondents and has been heard. None appeared for the private respondents.

4. Main contention of the applicant is that as Shri R. R. Nagar and 42 other officers whose names figure at page 49 (Annexure-8) of his application, were junior to him in Junior Time Scale (JTS) grade in 1.1.87 seniority list, they should not have been placed above him in 1.1.93 seniority list of STS officers, because according to him, promotion

from JTS to STS in IOFS is by efflux of time, and hence seniority in STS should be in the same order in which it was in JTS grade .

5. This contention has been denied by the respondents. They have stated that for inclusion in the select list by a duly constituted DPC, the condition of eligibility for purpose of suitable assessment and availability of number of vacancies are to be satisfied. Respondents have further stated that 42 Officers who were shown junior to him in 1.1.87 seniority list have subsequently been shown senior in 1.1.93 seniority list, which was amended vide order dated 12.5.95 on the basis of CAT Madras Bench's judgment dated 15.10.93 in the case of S.P. Saxena Vs. UOI in regard to the similarly placed officers . They have further stated that originally the applicant was considered and recommended by the DPC which met on 19/20.7.89 for inclusion in STS but was not considered by the DPC which met earlier on 30.9.88 as he had not completed the eligibility period of 4 years within the pendency of DPC panel. The aforementioned 42 officers were considered, hence as per Govt. decision to implement the judgment in S.P. Saxena's case (Supra) the applicant was again considered by review DPC reviewing the original DPC of 30.9.88 and was notionally promoted to STS with effect from the date his juniors were promoted and his seniority

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was assigned above one T.R.Nanda vide order dated 12.5.95 but the CAT Jabalpur Bench by their order dated 15.5.95 in OA -348/95 filed by R.K. Nayak stayed the aforesaid order dated 12.5.95. Respondents further point out that consequent to issue of aforesaid order dated 12.5.95 applicant's grievance with regard to 33 officers out of 42, no longer survived but as regards R.R.Nagar and 8 other officers, they were recommended by DPC of 25.3.87 and have been placed senior to applicant, because at the time when DPC met on 25.3.87, applicant had not completed his two years' probation, he according to his own admission having joined service on 29.8.86 as AUM at Hyderabad and accordingly ~~he~~ he was not eligible to STS grade w.e.f. 25.3.87.

6. These contentions of respondents have not been rebutted by the applicant and under the circumstances we find ourselves unable to help him.

7. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S.R. Adize
(S.R. ADIZE)
VICE CHAIRMAN(A)

/ug/