

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/232/2021

HYDERABAD, this the 12th day of March, 2021



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

1. LokeswarRao, 21422-N, Electrical Fitter,
S/o. Late VenkataRamana,
Aged about 55 years,
SK, O/o. Audit Office, ND(V).
2. P. Surya Rao, 21421, Shipwright,
S/o. Late Payadaiah,
Aged about 55 years,
SK, O/o. HRTD, Department, ND(V).
3. D. Srinivasarao, 21424, Plater,
S/o. Suryanarayana, aged about 53 years,
SK, O/o. M Fab Department, ND (V).
4. B. Ramesh, 21425, SK, Engine Fitter,
S/o. JaggaRao, aged about 39 years,
SK, O/o. M Sax Department , ND(V).
5. G. SanyashiRao, 21427, Shipwright,
S/o. Late G. Rama Rao, aged about 44 years,
SK, O/o. DAS, ND(V).
6. C. SrinivasRao, 21428, SK. Shipwright,
S/o. Late Love Raju, aged about 34 years,
SK, O/o. M Out Department, ND(V).
7. Mukesh KumarYadav, 21429, Shipwright,
S/o. Lalta Prasad Yadav, aged about 35 years,
M YU Department, ND(V).
8. M. S. Rapeti, 21430-F, Electrical Fitter,
S/o. Suryanarayana, aged about 37 years,
SK, O/o. AGM (PP), Department ND(V).
9. P. Kanakaraju, 23413, Plater
S/o. Bangarayya (late), aged about 54 years,
SK, O/o. GM (R) Office, ND(V).

10. P. Kumari, 21449, Electrical,
W/o. Ganesh (late) aged about 57 years,
SK, O/o. MHRP Department, ND(V).

...Applicants

(By Advocate :Smt Anita Swain)

Vs.



1. Union of India rep. by its
Secretary,
Ministry of Defence,
South Block, New Delhi – 110 011.
2. The Chief of Naval Staff,
Integrated Headquarters, Ministry of Defence,
SenaBhavan, PO, DHQ, South Block,
New Delhi – 110 011.
3. Flag Officer-Commanding-in-Chief
For CCPO.
Head Quarter Eastern Naval Command,
Naval Base, Visakhapatnam – 14.
4. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.

....Respondents

(By Advocate :Smt K. Rajitha, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

Through Video Conferencing:



The OA is filed seeking the following relief:

“ to declare the action of 4th respondent not considering the applicant for promotion to the post of HSK-II inspite of their eligibility and suitability as per the SRO-31 and promoting the juniors most of applicants and not assigned the seniority as per the Tribunal order is highly illegal arbitrary and violation of article 14,16 and 21 of constitution of India and contrary the recruitment rule SRO 31 of 2017, hence direct the 4th respondent.

- i) To assign and place the applicant above the juniors in the SK seniority list by taking the service from the day initial appointment as per the Tribunal order in OA.238/2013 and refix their seniority accordingly.
- ii) To grant them notional promotion in post of skilled grade from the date of their eligibility in the existing vacancies on that day on par with their juniors and
- iii) To consider and promote the applicants for post of HSK-II on completion of 11 years by taking their combined service of MTS and TMM as per SRO 31/2017 on par with their junior and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case in the interest of justice.”

2. The applicants were initially appointed in Group-D post between 1990 – 1996. They were absorbed on 22.01.2015 in the Industrial Unit. But they were not allowed to participate in the Skilled Tradesman Departmental Qualifying Exam of 2015. But later on, they were allowed to participate in the said exam in the year of 2016. They were qualified and they have been promoted as Skilled Mates with the Respondent's Organization. Now the next channel of promotion is Higher Skilled Grade-II posts, for which new Recruitment Rules have been formulated and 8

years regular service of TradesmanSkilled or 11 years of combined service of MTS and TMM is the criteria. As per the contention of learned counsel for the applicants, the applicants' entire service should be considered for next higher post. They have made detailed representations dated 28.09.2020 and 26.02.2021, which were not considered and answered yet.



3. Learned counsel Smt K. Rajitha, Senior Central Govt. Standing Counsel put appearance and has accepted notice.
4. Heard learned counsel for the parties at length. We are of the view that the matter can be disposed of at admission stage with the direction to respondents to dispose of the applicants' representations within a period of 12 weeks by giving a speaking order.
5. With the above direction, the OA is disposed of at admission stage without going in to the merits of the case. No order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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