

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/235/2021

HYDERABAD, this the 17th day of March, 2021

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



1. B.S. Chitti Babu Reddy, S/o. B. Ganesh Rao,
Aged about 40 years,
Occ: Multi Tasking Staff (NI) (Group C),
EDP No:3604, O/o. Command Civilian Personnel Officer/HQ,
Eastern Naval Command, Visakhapatnam.
2. K. Ramakrishna, S/o. Sambaiah,
Aged about 44 years,
Occ: Multi Tasking Staff (Min), EDP No.3707,
O/o. CCPO/HQ, Eastern Naval Command,
Visakhapatnam.
3. K. Srinivasa Rao, S/o. Demudu,
Aged about 42 years,
Occ: Multi Tasking Staff (Min),
EDP No.3758, O/o. CCPO/HQ,
Eastern Naval Command,
4. B. Vijaya Kumar, S/o. Gurunanda Rao,
Aged about years, Occ: Multi Tasking Staff (Min),
P.No.2121405K, O/o. INS CIRCARS, Naval Base,
Visakhapatnam.
5. Ramakrishna Seeramsetti,
S/o. Chinna Babu, Aged about 31 years,
Occ: Multi Tasking Staff (Min),
EDP No:3740, O/o. CCPO/HQ,
Eastern Naval Command, Visakhapatnam.
6. G. Talupulu, S/o. G. Nooka Raju,
Aged about 38 years,
Occ: Multi Tasking Staff (Min),
EDP No:3742, O/o. CCPO/HQ,
Eastern Naval Command, Visakhapatnam.
7. V. Durga Rao, S/o. V. Ramudu (Late),
Aged about 30 years,
Occ: Multi Tasking Staff (Min),
P No:2139065K, O/o. INS CIRCARS,
Naval Base, Visakhapatnam.

8. M. Kishore, S/o. M. Kanaka Raju,
Aged about 26 years,
Occ: Multi Tasking Staff (Min),
P No:2139324F, O/o. INS CIRCARS,
Naval Base,Visakhapatnam.

9. Satish Akula, S/o. Akula Rajubabu,
Aged about 29 years,
Occ: Multi Tasking Staff (Min),
P No:3736122F, O/o. INS CIRCARS,
Naval Base, Visakhapatnam.

10. Ashoka Kumar Karri,
S/o. Ravalayya, Aged about 32 years,
Occ: Multi Tasking Staff (Min),
P No:3735214H, O/o. INS CIRCARS,
Naval Base, Visakhapatnam.

11. Shaik Hussain, S/o. Shaik Basha,
Aged about 30 years,
Occ: Multi Tasking Staff (Min),
P No:3735170K, O/o. INS CIRCARS,
Naval Base,Visakhapatnam.

12. G. Vedhavathi, S/o. Sanyasi Rao (Late),
Aged about 25 years,
Occ: Multi Tasking Staff (Min),
EDP No:3734, O/o. CCPO/HQ,
Eastern Naval Command,
Visakhapatnam.

13. V. Srinivasa Rao, S/o. Sathyanarayana,
Aged about 38 years, Occ: Laskar (NI),
P No:84309N, O/o. Captain of Yard (COY),
Naval Dockyard,Visakhapatnam.

14. Rakesh Kumar Sahu, S/o. Maheswar Sahu,
Aged about 34 years, Occ: Bhandari (NI),
P No:85228A, O/o. COY, Naval Dockyard,
Visakhapatnam.

...Applicants

(By Advocate : Sri K.R.K.V. Prasad)

Vs.

1. Union of India rep. by
The Secretary, Ministry of Defence,
Government of India,
South Block, New Delhi.



2. The Chief of Naval Staff,
Integrated Headquarters,
MoD (Navy), New Delhi.
3. The Director, Directorate of Civilian
Man Power Planning & Recruitment,
Integrated Headquarters, MoD (Navy),
Room No.107, Talkotora Annex Building,
New Delhi – 110 001.
4. The Flag Officer Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Visakhapatnam.
5. 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)

The applicants have filed the present O.A. seeking the following relief:



“....to call for the records pertaining to Notification INCET-TMM-1/2021 inviting applications for the post of Tradesman Mate and declare the action of the respondents in filling up the posts of Trademan Mate through direct recruitment without filling up vacancies pertaining to absorption with the employees in the cadre of Multi-Tasking Staff (Non-Industrial/ Ministerial) in the lower formations of Eastern Naval Command as illegal and is in violation of the Integrated Hqrs. Ministry of Defence (NAVY) Gr ‘C’ Industrial Posts (Tradesman) Recruitment Rules; and set aside and quash the said Notification to the extent of the vacancies pertaining to Eastern Naval Command and direct the respondents to absorb the applicants as Tradesman Mate against existing vacancies by placing applicants above the candidates that are to be recruited under Notification INCET-TMM-1/2021 and grant all consequential benefits of seniority, etc.”

2. The brief facts of the case are that the applicants who possess the educational qualification of SSC with ITI, have been working as Multi-Tasking Staff (Ministerial/Non-Industrial) in the lower formations of the Eastern Naval Command, which is under the control of the 4th respondent. The 5th respondent, who is responsible for appointment of the industrial staff working in different units, initiated process for filling up of vacancies through direct recruitment without taking action to fill up 10% vacancies by absorbing the eligible serving employees of Non-Industrial/ Ministerial. The applicants are claiming for absorption as they have put in nearly 4-14 years of service with the respondents. It is submitted by the learned counsel for the applicants at the bar that if this is allowed to be done, it would affect the applicants' chance for absorption adversely.

3. Smt. K. Rajitha, learned Senior Standing Counsel appearing for the respondents submitted the written instructions received from the respondents wherein it is stated that the vacancies of TMM published vide Employment Notification dated 20-26 February 2021 have been accounted only for 90% of total vacancies and the notification for filling up of 10% absorption will be taken up in due course. Para 5 of the instructions states that 'it is not the mandate of the SRO 43/2012 amended vide SRO 31/2017 that to fill up 10% of vacancies by absorption as a prior condition to fill up 90% of vacancies by DR', meaning thereby it is not mandatory to fill up the vacancies first by absorption.

4. After hearing the learned counsel for the parties at length, we are of this view that it is a legitimate expectation of the applicants, who have been serving the respondents for more than a decade, to get their birth in the respondent's organization. Keeping this in view, the respondents shall take immediate steps for absorption of the applicants, if they are otherwise eligible. Whenever they get relief, their seniority must be fixed from the date on which recruitment for filling up of 90% of vacancies is done. The applicants are at liberty to re-approach this Tribunal, if any grievance still subsists.

5. With the above observation, the O.A. is disposed of. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/pv/