

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**OA 196/2013 &
OA 206/2013**

Monday, this the 7th day of April, 2014

CORAM:

Hon'ble Mr.Justice A.K.Basheer, Judicial Member
Hon'ble Ms.Minnie Mathew, Administrative Member

OA 196/2013

C.Ranjith, aged 29 years
S/o A.V.Raghuraman
Lab Assistant/Lab Demonstrator (Electrical)
INS Zamorin, Indian Naval Academy,
Naval Academy P.O.
Ezhimala, Cannanore-670 310.
Permanent Address: "Pavithram"
Near Village Office, Kuttillattoor
(Via) Mayyil, Cannanore District-670 602. Applicants

(By Advocate: Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the
Secretary to the Government of India
Ministry of Defence (Navy), South Block
New Delhi-110 011.
2. The Chief of the Naval Staff
Integrated Headquarters (for P&A)
Ministry of Defence (Navy), 'C' Wing
Sena Bhavan, New Delhi-110 011.
3. The Flag Officer Commanding-in-Chief
Headquarters Southern Naval Command
Naval Base, Cochin-682 004.

18

4. The Commanding Officer
INS Zamorin, Ezhimala Naval Academy P.O.
Cannanore-670 310

5. Sri N.A.Nasaruddeen
Lab Assistant/Lab Demonstrator (Mechanical)
INS Zamorin, Indian Naval Academy
Naval Academy P.O.
Ezhimala, Cannanore-670 310.

6. Sri Arvind C. Nair
-do-

7. Sri Thomson V. Antony
-do-

8. Sri V.S.Vishal
-do-

9. Sri Sanil V.Nair
-do-

10. Sri P.Mahesh
-do-

11. Sri P.Praveen
-do-

12. Sri P.T.Rohit
-do-

13. Sri K.V.Sandeep
-do-

14. Sri Ajith Kumar
-do-

15. Sri M.R.Kishore
-do- Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC (R1-4);
Mr.M.R.Rajendran Nair, Sr. along with Mr.M.R.Hariraj for R5-15)

OA 206/2013

1. Mukesh M, aged 26 years
S/o J.Muraleedharan Pillai
Lab Assistant/Lab Demonstrator (Electrical)
INS Zamorin, Indian Naval Academy, Naval Academy P.O.
Ezhimala, Cannanore-670 310

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Residing at Quarters No.337, Type II, CERA
Indian Naval Academy, Ezhimala, Kannur-670 310.

2. P.C.Pramodhkumar, aged 26 years
S/o Chandramohan P.
Lab Assistant/Lab Demonstrator (Electrical)
INS Zamorin, Indian Naval Academy, Naval Academy P.O.
Ezhimala, Cannanore-670 310
Residing at Quarters No.336, Type II, CERA
Indian Naval Academy, Ezhimala, Kannur-670 310.
3. M.Shaju, aged 32 years
S/o Choyi M.
Lab Assistant/Lab Demonstrator (Electrical)
INS Zamorin, Indian Naval Academy, Naval Academy P.O.
Ezhimala, Cannanore-670 310
Residing at Quarters No.322, Type II, CERA
Indian Naval Academy, Ezhimala, Kannur-670 310.
4. Shamitha Murkoth, aged 28 years
D/o Ratnakumar Murkoth
Lab Assistant/Lab Demonstrator (Basic Science)
INS Zamorin, Indian Naval Academy, Naval Academy P.O.
Ezhimala, Cannanore-670 310
Residing at Quarters No.308, Type II, CERA
Indian Naval Academy, Ezhimala, Kannur-670 310.
5. Anitha Simon T, aged 28 years
D/o T.J. Simon
Lab Assistant/Lab Demonstrator (Basic Science)
INS Zamorin, Indian Naval Academy, Naval Academy P.O.
Ezhimala, Cannanore-670 310
Residing at Quarters No.304, Type II, CERA
Indian Naval Academy, Ezhimala, Kannur-670 310.
6. J.M.Josy, aged 28 years
D/o John A.
Lab Assistant/Lab Demonstrator (Electrical)
INS Zamorin, Indian Naval Academy, Naval Academy P.O.
Ezhimala, Cannanore-670 310
Residing at Quarters No.316, Type II, CERA
Indian Naval Academy, Ezhimala, Kannur-670 310.
7. M.Sangeetha, aged 25 years
D/o Ramachandran
Lab Assistant/Lab Demonstrator (Basic Science)
INS Zamorin, Indian Naval Academy, Naval Academy P.O.
Ezhimala, Cannanore-670 310
Residing at Quarters No.314, Type II, CERA
Indian Naval Academy, Ezhimala, Kannur-670 310.

8. K.Ramanathan, aged 32 years
 S/o M.Krishnan
 Lab Assistant/Lab Demonstrator (Electrical)
 INS Zamorin, Indian Naval Academy, Naval Academy P.O.
 Ezhimala, Cannanore-670 310
 Residing at Quarters No.324, Type II, CERA
 Indian Naval Academy, Ezhimala,
 Kannur-670 310.

Applicants

(By Advocate: Mr. T.C.Govindaswamy)

Versus

1. Union of India represented by the
 Secretary to the Government of India
 Ministry of Defence (Navy), South Block
 New Delhi-110 011.
2. The Chief of the Naval Staff
 Integrated Headquarters (for P&A)
 Ministry of Defence (Navy), 'C' Wing
 Sena Bhavan, New Delhi-110 011.
3. The Flag Officer Commanding-in-Chief
 Headquarters Southern Naval Command
 Naval Base, Cochin-682 004.
4. The Commanding Officer
 INS Zamorin, Ezhimala Naval Academy P.O.
 Cannanore-670 310
5. Sri N.A.Nasaruddeen
 Lab Assistant/Lab Demonstrator (Mechanical)
 INS Zamorin, Indian Naval Academy
 Naval Academy P.O.
 Ezhimala, Cannanore-670 310.
6. Sri Arvind C. Nair
 -do-
7. Sri Thomson V. Antony
 -do-
8. Sri V.S.Vishal
 -do-
9. Sri Sanil V.Nair
 -do-

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10.	Sri P.Mahesh -do-	
11.	Sri P.Praveen -do-	
12.	Sri P.T.Rohit -do-	
13.	Sri K.V.Sandeep -do-	
14.	Sri Ajith Kumar -do-	
15.	Sri M.R.Kishore -do-	Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC (R1-4);
Mr.M.R.Rajendran Nair, Sr. along with Mr.M.R.Hariraj for R5-15)

These applications having been heard on April 7, 2014, the Tribunal on the same day delivered the following common order:-

ORDER

Hon'ble Mr.Justice A.K.Basheer, Member (J)

These two Original Applications are being disposed of by this common order since the issues involved in them are the same.

2. For the sake of convenience, the identical prayers sought in these Original Applications are extracted hereunder:-

a) *Call for the records leading to the issue of A1 and quash the same to the extent it includes the names of the respondents 5 to 15 and excludes the names of the applicants.*

b) *Direct the respondents to prepare a combined seniority list of those in the feeder cadre appointed in terms of A2 Notification based on the merit order obtained in that recruitment process and direct further to consider persons out of that list in the order of their ranking for promotion to the post of Scientific Assistant against the vacancies relatable to A1; or in the alternative,*

c) *Direct the respondents to identify the vacancies in the cadre of Scientific Assistant for each of the disciplines of Mechanical, Electrical and Basic Science separately as is done in the case of*

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the direct recruitment and direct further to consider those in the feeder cadre in the respective disciplines on that basis;

- d) Direct the respondents to grant the applicants the benefit of promotion as Scientific Assistants from the date of A1 with all consequential benefits including arrears of pay and allowances emanating therefrom;*
- e) Award costs of and incidental to this application;*
- f) Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case.*

3. When these Original Applications are taken up for consideration, it is conceded by the learned on both sides that Annexure A-1 list of promotions has not been acted upon. In other words, it is the admitted position that no promotions were effected pursuant to Annexure A1.
4. It is further submitted by the learned counsel for the respondents that a revised seniority list has already been published and objections invited from all concerned. We are informed that respondent Nos. 5 to 15 have in fact submitted their objections against the revised seniority list before the competent authority.
5. Learned counsel for the official respondents submits that fresh orders of promotion will be issued in terms of the revised seniority list. The above submissions are recorded.
6. Original Applications are disposed of with a direction to the official respondents to ensure that a review DPC is held at the earliest and fresh orders of promotion in terms of the revised seniority list are issued as expeditiously as possible at any rate within an outer limit of six months from the date of receipt of a copy of this order.

M. Mathew
 (Minnie Mathew)
 Administrative Member

A. K. Basheer
 (Justice A. K. Basheer)
 Judicial Member