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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED 9.10.92

O.A. 1548/91

Krishnakumar & F.S. Verma

Applicants

O.A. 343/92

V. K. Rajappan

Applicant

Vs.

Union of India through the
Secretary, Ministry of Defence
New Delhi

X

X

The Engineer in Chief, AHQ,
Kashmir House, DHQ P.O.
New Delhi

X

X

The Chief Engineer,
Military Engineering Service,
Cochin Zone, Naval Base, Kochi

X

A.D. Sawale, Surveyor of Works
C/o Commander of Works Engineer
Assaye Building, Bombay-5

X

X

Respondents in
both cases

Mr. P. Sivan Pillai

Counsel for
applicants in
both cases

Mr. TPM Ibrahim Khan, ACGSC

Counsel for
respondents

CORAM

Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

&

Hon'ble Mr. N. Dharmadan, Judicial Member

JUDGMENT

MR. N. Dharmadan, Judicial Member

Since common facts and identical question of law are involved in these cases, they are heard together on the consent of the parties.

2. When the case was taken up for final hearing, learned counsel both parties submitted before us that these cases are covered by the judgment of this Tribunal in O.A. 1028/90 dated 5.9.91. They further submitted that the applications can be disposed of with the directions in para 14 of that judgment.

3. Learned counsel for the applicants also brought to our notice another judgment in O.A. 254/90 and connected cases and submitted that the applicants in addition to the reliefs that is to be granted to them following the judgment in O.A. 1028/91, they are entitled to consequential benefits on the basis of the decision of this Tribunal in O.A. 254/90 and other connected cases.

4. We have heard argument of learned counsel for both parties and perused the judgments cited above. The applicants are Surveyors working under the third respondent. Their grievance is against Annexure A-10 series (in O.A. 1548) by which their representations for getting revision of seniority and consequential promotion were rejected. Accordingly, they have filed these applications with the following reliefs (in O.A. 1548/91):

- " a) to call for the records leading to the issue of Annexure A-10 series and quash the same.
- b) to direct the respondents No. 1 to 3 to refix the seniority of the applicants and Respondent No. 4 in the post of SAI on the basis of their date of assuming appointment as Supdt. B/RI and SAI and grant the applicants all consequential benefits of notional promotions to the post of ASW and SW from the date of promotion of Respondents 4 to those posts viz- 28.6.82 and 16.9.87 including fixation of pay and arrears of salary from those dates.
- c) To issue such other orders or directions as deemed fit and necessary by this Hon'ble Tribunal in the facts and circumstances of the case."

5. Since the matter is covered by the judgment in O.A. 1028/90, it is not necessary for us to refer to the facts in detail.

6. Having heard the matter and gone through the documents, we are of the view that the applications can be disposed of following the directions in O.A. 1028/90. Hence we allow the applications and issue following directions:

- a) The applicants' seniority in SA-I should be based on their total length of continuous service as SA-I/Supdt. (B/R) Grade-I for the purpose of their promotion.
- b) Applicants' induction in the Surveyor Wing should be deemed to have taken place in 1978 and they should be deemed to have have been regularly promoted as ASW on the basis of their position in the panel prepared and circulated vide Engineer-in-Chief's letter dated 19th April 1982 w.e.f. the date on which their juniors have been promoted.
- c) They should also be considered for further promotion as SW on the basis of their seniority and regular qualifying service as ASW commencing from 28.6.82 and if found fit, given notional promotion the the date they attained eligibility whichever is later with all consequential benefits of seniority without, however, arrears of pay.
- d) Action on the above lines should be completed within a period of three months.

7. . . Regarding the consequential reliefs, we make it clear that the applicants may separately agitate the issue by filing suitable representations before the third respondent in the light of the judgment in O.A. 254/90 and connected cases.

8. The applications are allowed to the extent indicated above. There will be no order as to costs.

sd-
(N. Dharmadan)
Judicial Member

sd-
(P.S. Habeeb Mohamed)
Administrative Member

kmm



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Date 19-10-92

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