

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 393 of 1995.

Tuesday this the 2nd day of January, 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. All India Military Engineer Services Civilian Draughtsmen Association, Cochin-Zonal Branch represented by its Secretary N. Prabhakaran, Senior Draughtsman, Chief Engineer, Navy, Kochi Naval Base P.O., Amrutham, Thevara, Kochi-13.
2. R. Vincent Pallath, Senior Draughtsman, Chief Engineer, Navy Cochin Office, Naval Base P.O., 23/353, Kochi-6. .. Applicants

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Union of India represented by Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, MES Kashmir House, Army Headquarters, DHO P.O., New Delhi-110 011.
3. The Chief Engineer, Southern Command, Military Engineer Service (MES), Pin- 411 001.
4. The Chief Engineer Cochin Zone Military Engineer Service (MES), Cochin-682 004. .. Respondents

(By Advocate Shri T.R. Ramachandran Nair, ACGSC)

The application having been heard on 2nd day of January, 1996, the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants are Senior Draughtsmen and aspirants for the post of Chief Draughtsmen. During different spells

of time, A3, A2 and A6, in that order, governed appointments to the post of Chief Draughtsmen. According to applicants, their claims should have been considered under A-6 rules, and A-6 according to them wipes out A-2 rules retrospectively.

2. In paragraph 4 of the reply statement it is stated that A-6 rules have subsequently been superseded by another set of rules. It is also stated that for want of sufficient qualified hands the vacancies have been carried forward. If they are carried forward, they will be filled up in accordance with the rules now in force, states Standing Counsel for the respondents. Para 4 of the reply statement reads:

"As such the vacancies which are available till the issue of SRO 156/94 which could not be filled for want of eligible candidates will be carried forward and filled in (presumably meaning filled up) now as per SRO 156/94."

3. Respondents will fill up the vacancies positively within three months from today. We make it clear that we have not pronounced on the merits of the contentions, and that applicants will be free to seek adjudication of their grievances, if they are aggrieved after promotions are made as stated hereinbefore.

4. Application is disposed of as aforesaid. No costs.

Tuesday this the 2nd day of January, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure-A2: True copy of the Gazette notification dated 21.4.1990 which contains SR0 (Service Routine Orders) 78/90 published by the 1st respondent.
2. Annexure-A3: True copy of the rules dated 10.8.71 (Service Routine Order) 309 issued by the 1st respondent.
3. Annexure-A6: True copy of the Gazette notification dated 1.10.1994 which contains service routine order 156/94 published by the 1st respondent.