

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 396 of 1996

Tuesday, this the 13th day of January, 1998

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. K.L.G.J. Francis, Chargeman I,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing
at Kavalakkal House, Tanor Cross Road,
Thoppumpady, Cochin-5
2. V.J. Sebastian, Chargeman I,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing
at Vanat House, Vaduthala, Cochin-23
3. M.S. Sauru, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing
at Mary Bhavan, Thrikkakara.
4. M.G. Joseph, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing
at Mangalath House, Malupuram PO, Cochin.
5. R. Sudhakaran, Chargeman II;
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Sunil Nivas, Konthuruthy, Cochin-13
6. Babu R. Prasad, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Kulangara House, Bharatmata College PO,
Thrikkakara, Cochin-21
7. V.P. Subhash, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Vadapurath House, 1868/B/23,
Palluruthy, Cochin-6
8. N.I. Viswanathan, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Ittapparambu House, Anjumana, Pady Vattam,
Edapally.
9. P.N. Kesavan, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Panachikkal House, Edayar, Binanipuram PO.

10. V.T. George, Tradesman,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Geo Bhavan, XII/175, Kakkanad West PO,
Vazhakkala, Kochi-30
11. M.J. Joseph, Tradesman,
Naval Physical Ocenographic Laboratory,
Thrikkakara PO, Cochin-21, now residing at
Mathirappally House, Chirakkakam,
Varapuzha PO, Ernakulam.
12. T.V. Suvikrama Das, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Cheropoazhiyote, Pazhayakadavu,
Kuzhithuru PO, Kollam.
13. T.J. Jose, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Thyail House, Eramallur PO,
Kothamangalam, Ernakulam.
14. P.G. Mohanan, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Quarter No.56, Type II, R&D Residential
Complex, Thrikkakara.
15. P.S. Raghunadav, Chargeman I,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Paliath House, Neerokode PO, North Parur.
16. A.K. Gopalan, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Ariyamangalam, Vadakode PO, Cochin-21
17. M. Joseph, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Veluthedathu House, IX/860,
Pandikudy, Cochin-2.
18. I.N. Raveendran, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Illathuparambu House, Maradu PO.
19. P.J. Thomas, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Parambiloth House, Valappu,
Ochanthuruth PO, Cochin-1
20. M.V. Antony, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Mappalassery House, Karikkaduthuruth, Kothadu PO.

21. G. Gopinathan Nair, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Gokulam, Kizhakkekara, Muvattupuzha.
22. T.V. Antonykutty, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Thekkumpeedika House, Mannuthy PO,
Trissur District.
23. M.O. Joseph, Tradesman A,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing at
Malappan House, V.R. Puram PO,
Chalakkudy, Trissur District.
24. V. Vijayan, Chargeman II,
Naval Physical Ocenographic Laboratory,
Thrikkakara, Cochin-21, now residing
at Irikkattuparambil House,
Vyttila Junction, Cochin-19

.. Applicants

By Advocate Mr. K Ramakumar rep. by Mr. P Gopinath

Versus

1. Union of India represented by
Secretary, Ministry of Defence,
New Delhi.
2. The Scientific Advisor,
Research and Development Organisation,
New Delhi.
3. The Director,
Naval Physical Ocenographic Laboratory,
Cochin-21
4. V.V. Pushpangathan, Tradesman (A),
Naval Physical Ocenographic Laboratory,
Cochin-21
5. G.P.S. Panickar, Chargeman II,
Naval Physical Ocenographic Laboratory,
Cochin-21

By Advocate Mr. S Radhakrishnan, ACGSC (R1-3)

The application having been heard on 13-1-1998, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

Applicants seek to quash A2 seniority list and A6 order
dated 22-1-1996, to declare that the proposal to promote
respondents 4 and 5 ignoring the rightful seniority of the

applicants is illegal, to declare that grant of seniority as per A2 to respondents 4 and 5 and the resultant loss of seniority to the applicants are void in law, and to direct respondents 1 and 3 to treat the applicants as senior to respondents 4 and 5 in all categories.

2. The applicants are holding posts like Chargeman Gr.I, Chargeman Gr.II, Tradesman 'A' in Naval Physical and Oceanographic Laboratory, Cochin. Respondents 4 and 5 came to Cochin on compassionate transfer from Aeronautical Development Establishment of the Defence Research and Development Organisation based at Bangalore.

3. A2 is the seniority list of Chargemen Gr.II for review Departmental Promotion Committee (DPC for short) for promotion to the post of Chargeman Gr.I as on 15th of September, 1992. The 4th respondent is Serial No.3 and the 5th respondent is Serial No.6 in A2. The learned counsel appearing for applicants vehemently argued that from A2 it could be seen that both respondents 4 and 5 were promoted from the post of Tradesman 'A' to Precision Mechanic (Chargeman Gr.II) on the very same day. In A2, 4th respondent is shown as Tradesman 'A' (NPOL) on 21-12-84 and Precision Mechanic (Chargeman Gr.II) also on 21-12-84 and the 5th respondent as Tradesman 'A' (NPOL) on 23-1-87 and Precision Mechanic (Chargeman Gr.II/NPOL) also on 23-1-87. It is not a case of promotion from the post of Tradesman 'A' to Precision Mechanic/Chargeman Gr.II on the same date. In R4, the order issued by the Ministry of Defence, Government of India on the 11th of April, 1994, it is clearly stated that the Bangalore Bench of the Central Administrative Tribunal in OA Nos. 600/91, 245/92, 128/93 and 179 to 202/93

Contd..5



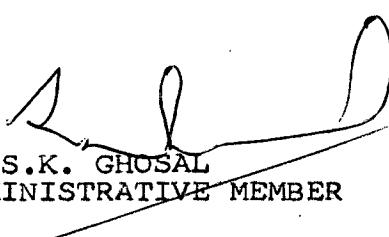
it has been held that the Precision Mechanics who were in the pay scale of Rs. 425-700 prior to 28-1-92 are eligible for promotion to the post of Chargeman Grade-I and above. So, it is very much evident that Precision Mechanic was equivalent to Chargeman Grade-II.

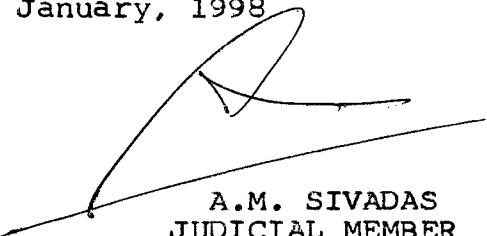
4. As far as the attack against A6 is concerned, from a reading of A6 and R4 it is quite clear that A6 is based on R4 order dated 11th of April, 1994. R4 order has been issued by the Ministry of Defence, Government of India in compliance with the order passed by the Central Administrative Tribunal, Bangalore Bench referred to above. There is no challenge against R4. Since A6, one of the impugned orders, is based on R4 and as R4 is not challenged, we are not in a position to grant the applicants the reliefs sought for by quashing A6. Applicants' counsel submitted that R4 is not applicable to the facts of the case at hand. After having heard both sides and going through all the materials made available in this application with great care, we are unable to agree with the applicants' counsel that R4 has no application to the facts of the case at hand. According to us, R4 squarely applies to the facts of the case at hand.

5. We find no merit in this original application.

6. Accordingly, the original application is dismissed. No costs.

Dated the 13th of January, 1998


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES

1. Annexure A2: Seniority list dt. 15.9.92 issued by the 3rd respondent.
2. Annexure A6: Reply of the respondents dt. 22.1.1996 No. 16633/RD/PERS-1, issued by the Assistant Director Personnel, Ministry of Defence, New Delhi.
3. Annexure R4: Letter No. 16490/RD/PERS-1/741/D(R & D) dated 11.4.1994 issued by the Under Secretary to Govt. of India.

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