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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 623 of 1989. 198
T.A. No.

DATE OF DECISION 8.8.90.

R.P.Roy and others Petitioner

Shri V.S.Yawalkar,

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Sri Ramesh Darda Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. G.Sreedharan Nair, Vice Chairman.

The Hon'ble Mr. I.K.Rasgotra, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement? X
2. To be referred to the Reporter or not? L
3. Whether their Lordships wish to see the fair copy of the Judgement? X
4. Whether it needs to be circulated to other Benches of the Tribunal? X

MGIPRRND-12 CAT/86-3-12-86-15,000

(G.Sreedharan Nair)
Vice Chairman.

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : NEWBOMBAY BENCH
NAGPUR.

O.A.623/89.

R.P.Roy and 8 others Applicants.
-versus
Union of India and others... Respondents.

P R E S E N T :

The Hon'ble Sri G.Sreedharan Nair, Vice Chairman.

The Hon'ble Sri I.K.Rasgotra, Member(Admn).

For the applicant- Shri V.S.Yawalkar, Advocate.

For the respondents- Shri Ramesh Darda, Advocate.

Date of hearing - 6.8.90

Date of Order - 8.8.90.

O R D E R :

G.Sreedharan Nair, Vice Chairman :

The applicants are Assistant Foremen working in the Ordnance Factory, Ambajari, Nagpur. They are Diploma-holders in Mechanical Engineering and were recruited as Supervisor Grade 'A'. As a result of the policy decision of the Government, consequent upon the Chinese Aggression in 1962, to meet the requirements of qualified personnel for Defence Production, the Diploma-holders who joined as Supervisor Grade 'A' were allowed promotion to the cadre of Chargeman Grade-II on completion of two years of service. The applicants got the benefit of such promotion.

2. Some of the Supervisors Grade 'A' who were not so promoted filed Writ Petitions before the Supreme Court and they were directed to be promoted to the cadre of Chargeman Grade-II after completion of two years of service. The 2nd respondent, the Director General/Chairman, Ordnance Factories Board, issued orders on 12.10.1982 assigning them seniority on the basis of the decision of the Supreme Court.

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3. Some of the Supervisors filed Writ Petitions before the High Court of Madhya Pradesh and they also obtained the same benefit.

4. The grievance of the applicants is that in recasting the seniority the aforesaid petitioners before the Supreme Court and the High Court of Madhya Pradesh, who were junior to the applicants, have now been shown as senior. It is prayed for quashing the seniority list and for a direction to the respondents 1 and 2 to promote the applicants from the date on which their juniors have been promoted.

5. In the reply filed on behalf of the respondents, it is stated that the re-fixation of the seniority in the various grades has been done in compliance with the judgment of the Supreme Court and of the High Court of Madhya Pradesh. It is pointed out that since these applicants did not join as Intervenor before the Supreme Court, they are not eligible for the benefits arising out of the order. It is further contended that by the subsequent judgment of the Supreme Court in Pallaru Ramakrishnaiah v. Union of India, (1989 (1) SCALE 830), the earlier judgment has practically been overruled, and the reliefs granted by that judgment have been confined to the petitioners therein.

6. Evidently, the recasting of the seniority has been done by the respondents in deference to the judgment of the Supreme Court in Civil Appeal No. 441/81 and the Writ Petitions disposed of along with the same. The applicants cannot claim extension of the same benefit as such a relief claimed by some of the employees of the Ordnance Factory who were appointed as Supervisor Grade 'A' was negated by the later decision of the Supreme Court ⁱⁿ P. Ramakrishnaiah ^{case} (supra).

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It was held that the relief allowed in Civil Appeal No. 441 of 1981 and the connected matters has to be confined to the petitioners therein.

7. In view of what is stated above, the relief claimed by the applicants cannot be allowed, as the respondents cannot be faulted in recasting the seniority list with a view to implement the judgment of the Supreme Court and of the High Court of Madhya Pradesh. The submission of the counsel of the applicants that as the applicants were not parties in those cases, the judgments cannot be implemented to their prejudice, ~~cannot be accepted as~~ ~~We are unable to accept this submission.~~ The respondents who were parties to the judgments, were bound to implement the same.

8. The application is dismissed.

I.K. Rasgotra
(I.K. Rasgotra)
Member(A)

G. Sreedharan Nair
(G.Sreedharan Nair)
Vice Chairman.

S.P.Singh/
7.8.90.

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