

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE EIGHTEENTH DAY OF NOVEMBER 1986

Present : Hon'ble Shri Justice K.S. Puttaswamy ... Vice Chairman
Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATIONS NO.1517 TO 1520/86(T)

K.S. Padmanabha Rao,
S.S.O. Grade I, Power Dvn.,
Controllerate of Inspection
Power Systems, MR Palyam PO,
Bangalore-560 006.

P.L. Chenniappan,
SSO Grade I, 'IL' Dvn.
CIL, Bangalore.

B.V.K. Raja
S.S.O. Gr.I,
Controllerate of Inspection Radar,
M.R. Palya Post,
Bangalore-6.

P.N. Labru,
SSO Grade I,
Power Division,
Controllerate of Inspection,
Power Systems, M.R.Palyam PO,
Bangalore-560 006.

... Applicants

(Shri H.S. Jois .. Advocate)

V.

The Union of India
represented by its Secretary,
Defence Production,
Ministry of Defence,
DHQ New Delhi-11.

The Director General of Inspection,
Department of Defence Production (ADM 6B),
DHQ New Delhi -11.

K.L. Chugh,

K.Syed Mustapha,

P. Chandra,

A.B. Rajashekarani,

D. Moses Selvamani

SSO Grade I,
Controllerate of Inspection,
M.R. Palya, Bangalore-6

... Respondents

(Shri M.S. Padmarajaiah .. Advocate).

This application has come up for hearing before this Tribunal to-day, Hon'ble Vice-Chairman made the following:-

O R D E R

In these transferred applications received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act of 1985 (The Act) the applicants have challenged letter/order No.A/99094/ELECTRONICS/DGI (Admn-6B) dated 18th March 1985 (Annexure A) of the Director General of Inspection, Government of India (Director).

2. Prior to 1981, the applicants were working as Senior Scientific Officers Grade II (SSO Gr.II). On different dates commencing from 14.2.1981 to 30.4.1981, the applicants were promoted as SSOs Gr.I.
3. The recruitment to the posts of SSO Gr.I is regulated by Defence Quality Assurance Rules 1979 (Rules) which inter alia provides for a quota between direct recruitment and ~~of~~ promotions.
4. On or about 29.10.1983 the Director prepared a seniority list of those borne in the cadre of SSO Gr.I assigning rank Nos.11, 12, 17 and 23 respectively to the applicants with which they had no grievance. On 7.7.1984 the Director prepared a combined seniority list assigning various ranks to the applicants with which they were aggrieved and, therefore, made representations before him.
5. But ultimately on 18.3.1985 the Director made an order which reads:-

"Telephone:3012418

BHARAT SARKA R
RAKSHA MANTRALAYA
RAKSHA UTPADAN VIBHAG
Nirikshan Mahanideshalaya,
DHQ Dakghar New Delhi 110 011
18 March 85.

No.A/99094/ELECTRONICS/DGI (Admn-6B).

To

All DGI Establishments under
Electronics Discipline.

SP ROLLS : SSO I ELECTRONICS DISCIPLINE

Reference this HQ letter of even No. dated 7th July 1984.

2. The Seniority roll in the grade of SSO I forwarded under letter referred to above may be treated as cancelled. A revised seniority roll forwarded herewith may be shown to the offices may please be intimated to this HQ by 31.3.85 positively. Please ensure that names of all officers are included in the SP roll.

3. Any additions to the qualifications or change of date in columns 5 and date of birth should be verified from the original certificates/documents and a certificate to this effect given in all cases. In the absence of authentication to the correctness of the qualification, date of birth and date of regular appointment to the grade, no action will be taken on the amendment forwarded to this HQ.

4. Entries in the blank columns of the SP Rolls may also be authenticated and a certificate to the effect that these have been verified from original documents rendered to this HQ.

5. A certificate to the effect that the S.P.Roll has been seen by the officers concerned may also be to this Hq.

6. Please acknowledge.

Sd/-
(SUDERSHAN KAVR)
Asst. Director

for Director General of Inspection"

The applicants are aggrieved by this order. Among others, they have urged that the Director has made the same, without issuing show-cause notices and affording them an opportunity to state their case, the correctness of which is not disputed by the respondents in their reply.

6. Shri H. Subramanya Jois, learned counsel for the applicants, contends that the order made by Director on 18.3.1985 without issuing his clients show cause notices and affording them an opportunity to state their cases was violative of the principles of natural justice and illegal. In support of his contention

Shri Jois strongly relies on the ruling of Supreme Court in AIR 1967 SC 1267.

7. Shri M.S. Padmarajaiah, learned counsel for respondents 1 and 2 and Shri Nanjunda Reddy, learned counsel appearing for respondents 3 to 7 except respondent No.6, who is deleted with our permission, sought to support the order of Director.

8. On 29.10.1983, ^{the} Director, ~~who~~ had prepared a seniority list assigning various ranks to the applicants and others, which ^{now} stands cancelled by him on 18.3.1985. We will even assume that there was justification for the Director to cancel the earlier seniority list and prepare a fresh seniority list. But then the Director could not do so without issuing show-cause notice to the applicants and providing them an opportunity to state their case against the same, as required by the principles of natural justice, which is set at rest by the Supreme Court in BINA PANI's case and other cases. On this short ground the same calls for our interference without examining all other grounds. We, therefore, leave open all other questions.

9. In the light of our above discussion, we quash the order dated 18.3.1985 (Annexure A) and the seniority list appended to the same. But this order does not prevent the Director from cancelling the earlier seniority list and redraw the same in accordance with law and observations made in this order.

10. Applications are disposed of in the above terms. But in the circumstances of the cases, we direct the parties to bear their own costs.

Ms. Padmarajaiah
18/11/85
VICE CHAIRMAN MEMBER (A) 18.11.85

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Review APPLICATION No. 36/87

APP. NO.

in ANO: 1517 G 20/82
(7)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 6 MAY 1987

APPLICANT

K. S. Padmanabha Rao.
TO * ors

VS

RESPONDENTS

Secretary, Defence Production
Ministry of Defence & ors

1. Sr. K. S. Padmanabha Rao,
S.S.O. Grade I,
Controllerate of Inspection,
Power Systems, M.R. Palayam,
Bangalore - 6 (P.O.)

3. S.P.N. Laloru
S.S.O. Gr. I,
Controllerate of
Inspection, Power Systems
Bangalore - 6

2. P. L. Chenniappan
S.S.O. Grade I,
Controllerate of Inspection,
Power Systems
M.R. Palayam (P.O.)
Bangalore - 6

4. G. S. Ranganatha Jais
Advocate
36, Shankara Park,
Bangalore - 4

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 36/87 in
RA

....

ANO: 1517 G 20/82
(7)

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said ^{Review} Application on
30-4-87.

ENCL: As above.

Hace
DEPUTY REGISTRAR
(JUDICIAL)

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(*) PTO

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 30TH DAY OF APRIL, 1987

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
Present: and
Hon'ble Shri L.H.A. Rego, Member (A)

REVIEW APPLICATION NO.36 OF 1987

1. Shri K.S. Padmanabha Rao,
S.S.O. Gd.I,
Controllerate of Inspection
Power Systems,
M.R. Palyam PO,
Bangalore-6.

2. P.L. Chenniappan,
S.S.O. Gd.I, CIL,
Bangalore-6.

3. P.N. Labru,
S.S.O. Gd.I,
Controllerate of Inspection
Power Systems
Bangalore-6.

.... Applicants.

(Shri S. Ranganatha Jois, Advocate)

v.

1. The Union of India represented
by its Secretary, Defence Production
Ministry of Defence,
DHQ, New Delhi-11.

2. The Director General of Inspection,
Dept. of Defence Production (ADM 6 B),
DHQ, New Delhi-11.

3. K.L. Chugh, P.Sc, O, SDCC,
Directorate of Production &
Inspection Electronics (DGI),
DHQ, P.O. New Delhi-11.

4. K. Syed Mustapha, S.S.O. Gd.I,
Inspectorate of Electronics, DGI Complex,
Pazhavanthagil P.O. Madras-114.

5. P. Chandra, S.S.O. Gd.I,
Directorate of Standardization,
DHQ P.O. New Delhi-11.

6. A.B. Rajashekar, S.S.O. Gd.I,
Chief Inspectorate of Warship Equipments
275, Rajamahar Vilas Extn.
Bangalore-80.

7. D. Moses Selvamani, S.S.O. Gd.I,
Regional Data Bank,
Controllerate of Inspection Armaments,
Kirkee,
Pune.

... Respondents

(Shri M.S. Padmarajaiah, Senior Standing Counsel
for Central Government)

Review application coming on for hearing this day,
Vice-Chairman made the following.

O R D E R

Shri S. Ranganatha Jois, learned Counsel for the
applicants, in our opinion, very rightly seeks permission
to withdraw this application with liberty reserved to
institute Contempt of Court proceedings under Section 17
of the Administrative Tribunals Act, 1985. Permission
sought for is granted. Review application is rejected
as withdrawn. No costs.

Vice-Chairman

Member (A)

kms/Mrv.

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL LENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 15-7-87

Contempt of Court Application No. 18 /86()
in Application No. 1517 to 1520/86(T)

W.P. No

Applicant

Shri K.S. Padmanabha Rao & 3 Ors

V/s The Secy, Defence Production & another

To

1. Shri K.S. Padmanabha Rao
SSO Grade I
Power Division
Controllorate of Inspection
M.R. Palya P.O.
Bangalore - 560 006

2. Shri P.L. Channiappan
SSO Grade I
Power Division
Controllerate of Inspection
M.R. Palya P.O.
Bangalore - 560 006

3. Shri S.V.K. Raja
SSD Grade I
Power Division
Controllerrate of Inspection
M.R. Palya P.O.
Bangalore - 560 006

4. Shri P.L. Labru
SSO Grade I
Power Division
Controllerate of Inspection
M.R. Palya P.O.
Bangalore - 560 006

5. Shri H.S. Jois
Advocate
36, Shankara Park
Shankarapuram
Bangalore - 560 004

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN CONTEMPT
APPLICATION NO. 18/87

Please find enclosed herewith the copy of the Order/~~Interior Order~~
passed by this Tribunal in the above said Application on 10-7-87.

Encl : as above.

SECTION OFFICER
(JUDICIAL)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TENTH DAY OF JULY, 1987

Present : Hon'ble Shri Justice K.S. Puttaswamy ... Vice-Chairman

Hon'ble Shri L.H.A. Rego. ... Member (A)

C. OF C. APPLICATION NO. 18/87

K.S. Padmanabha Rao and 3 others

Applicants/Complainants

(H.S. Jois ... Advocate)

V.

Shri P.C. Jain, Secretary,
Defence Production,
Ministry of Defence,
New Delhi-110 011

Lt. Gen. R.L. Kapur,
Director General of Inspection,
Department of Defence Production,
(Adm 6B), DHQ Post, New Delhi -11

Respondents

This application has come up for admission today. Hon'ble
Vice-Chairman made the following:

ORDER

Shri H.S. Jois, learned counsel for the petitioners, in our
opinion very rightly seeks leave to withdraw this application with
liberty reserved to challenge the fresh seniority list in separate
proceedings. Permission sought for is granted. Petition is dismissed
as withdrawn.



Sd —

VICE CHAIRMAN

Sd —

MEMBER (A)

10/7/87

bsv

- True copy -

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE