

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

BY REGISTERED POST

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

Date: 29.12.87

REVIEW APPLICATION NOS. 120, 122 TO 157/1987

Applicants

Indian National NGO's Association
of Army Electronics ^{Inspection} by its Chairman
& 36 ors.

V/s

Respondents

The Secy, M/o Defence & 18 Ors.

To

1. Indian National NGO's Association of Army Electronics Inspection, C/o CIL, JC Nagar PO., Bangalore by its Chairman, Ramamurthy.
2. Shri M.Nanjunda Sharma, Assistant Foreman, Inspectorate of Electronics, JC Nagar PO., Bangalore-560 006.
3. Shri SNS Peerzada, Assistant Foreman, Controllerate of Inspection Radar, JC Nagar PO., Bangalore-560 006.
4. Naresh Kumar Bali, Assistant Foreman, Controllerate of Inspection, (Power Systems) JC Nagar PO., Bangalore-560 006.
5. Smt. K.Janaki, Assistant Foreman, Controllerate of Inspection(Radar), JC Nagar PO., Bangalore-560 006.
6. Shri HR Shanthaveeraiah, Assistant Foreman, Controllerate of Inspection(Radar) JC Nagar PO., Bangalore-560 006.
7. Shri V.M.Radhakrishnan, Assistant Foreman, Controllerate of Inspection Electronics, JC Nagar PO., Bangalore-560 006.
8. Shri SNS Setty, Assistant Foreman, Controllerate of Inspection (Power Systems) JC Nagar PO., Bangalore-560 006.
9. Shri V.Narayana Reddy, Assistant Foreman, Controllerate of Inspection Electronics, JC Nagar PO., Bangalore-560 006.
10. Shri GS Issac, Assistant Foreman, Controllerate of Inspection Electronics, JC Nagar PO., Bangalore-560 006.
11. Shri VPP Naidu, Assistant Foreman, Controllerate of Inspection (Power Systems), JC Nagar PO., Bangalore-560 006.
12. Shri G.K.Devagowda, Assistant Foreman, Controllerate of Inspection (Power Systems) JC Nagar PO., Bangalore-560 006.

CR
Please issue to
addressees at Sr. Nos.
38 to 57.
with enclosures.
(1 to 37 and 58
were issued to
the first addressee)
D. 30/12

Received Copies of Applicants and one to 37
and advocate copy also

29/12
(Shri Ramamurthy)

o/c

...2/-

13. Shri KRS Murthy,
~~Chargeman Grade-I, AIF~~
Controllerate of Inspection
Electronics, JC Nagar PO.,
Bangalore-560 006.
14. Shri B.Viswanath,
~~Chargeman Grade-I, AIF~~
Controllerate of Inspection
Electronics, JC Nagar PO.,
Bangalore-560 006.
15. Shri KRS Aradhy,
~~Chargeman Grade-I, AIF~~
Controllerate of Inspection,
Electronics, JC Nagar PO.,
Bangalore-560 006.
16. Shri NV Ravikumar,
~~Chargeman Grade-I, AIF, CIR~~
Inspectorate of Electronics,
JC Nagar PO., Bangalore-6.
17. Shri L.V.Bhimesh,
~~Chargeman Grade-I, AIF~~
Controllerate of Inspection
Electronics, JC Nagar PO.,
Bangalore-560 006.
18. Shri V.Sathyanarayana,
~~Chargeman Grade-I, AIF~~
Inspectorate of Electronics,
JC Nagar PO., Bangalore-6.
19. Shri P.P.Chakrapani,
~~Chargeman Grade-I, AIF~~
Controllerate of Inspection
(Radar), JC Nagar PO.,
Bangalore-560006.
20. Shri SA Narayana
~~Chargeman Grade-I, AIF~~
Controllerate of Inspection,
(Power Systems) JC Nagar PO.,
Bangalore-560 006.
21. Shri K.Venkatarao,
Chargeman Grade-I,
Controllerate of Inspection,
JC Nagar PO, Bangalore-6.
22. Shri T.Muniswamy Setty,
Chargeman Grade-I,
Controllerate of Inspection
Electronics, JC Nagar PO.,
Bangalore-560006.
23. Shri Chinnappa Reddy,
Chargeman Grade-I,
Controllerate of Inspection Electronics
JC Nagar PO., Bangalore-560 006.
24. Shri S.Natarajan,
Chargeman Grade-I,
Inspectorate of Electronics,
JC Nagar PO., Bangalore-560 006.
25. Shri TM Narayana Murthy,
Chargeman Grade-I,
Controllerate of Inspection,
JC Nagar PO., Bangalore-560 006.
26. Shri H.Panduranga Rao,
Chargeman Grade-I,
Controllerate of Inspection Electronics,
JC Nagar PO, Bangalore-560 006.
27. Shri G.R.Bali,
Chargeman Grade-I,
Controllerate of Inspection Electronics,
JC Nagar PO., Bangalore-560 006.
28. Shri R.K.Roy,
Chargeman Grade-I,
Controllerate of Inspection, Electronics,
JC Nagar, PB, Bangalore-560006.
29. Shri RT Anantharamu,
Chargeman Grade-I,
Controllerate of Inspection,
(Power Systems),
JC Nagar PO., Bangalore-560006.
30. Shri G.Narayanaswamy,
Chargeman Grade-I,
Controllerate of Inspection,
(Power Systems),
JC Nagar PO, Bangalore-560 006.
31. Shri N.Chakraborty,
Chargeman Grade-I,
Controllerate of Inspection,
(Power Systems),
JC Nagar PO, Bangalore-560006.
32. Shri SR Hiriyanniah,
Chargeman Grade-I,
Inspectorate of Electronics,
JC Nagar PO., Bangalore-560 006.

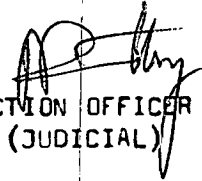
33. Shri GP.Bagali,
Chargeman Grade-I,
Inspectorate of Electronics,
JC Nagar PO, Bangalore-6.
34. Shri Alex Joseph,
Chargeman Grade-I,
Inspectorate of Electronics,
JC Nagar PO., Bangalore-6.
35. Shri DSN Prasad,
Chargeman Grade-I,
Controllerate of Inspection,
Electronics,
JC Nagar PO Bangalore-6.
36. Shri K.Ramadas,
Chargeman Grade-I,
Inspectorate of Electronics,
JC Nagar PO, Bangalore-6.
37. Shri TL Ramamurthy,
Chargeman Grade-I,
Controllerate of Inspection,
Electronics, JC Nagar PO.,
Bangalore-560 006.
38. The Secretary,
Ministry of Defence,
New Delhi-110 001.
39. The Director General of
Inspection (DGI)
Departement of Defence Production
Ministry of Defence,
Room No.234, South Block,
DHQ PO, New Delhi-110 001.
40. The Controller,
Controllerate of Inspection,
Electronics,
JC Nagar PO.,
Bangalore-560 006.
41. Shri K.Shankaran,
A/F, I of L,
C/o CGF, Jabalpur-482 011,
Madhya Pradesh.
42. Shri N.Srinivasamurthy,
Assistant Foreman,
Controllerate of Inspection,
~~(Special Vehicles) 7 Dth~~
~~Ministry of Defence (DGI)~~
~~Dehu Road,~~
~~Pune-412 113.~~ Bangalore-6.
43. Shri Sadalghee,
Assistant Foreman,
Inspectorate of Electronics,
Vikhroli,
Bombay-400083.
44. Shri BS Ravi Prasad,
Assistant Foreman,
'T' Division,
CIL, Bangalore-560 006.
45. Shri Joesph Sequiria,
Assistant Foreman,
Controllerate of Inspection
(Radar),
Bangalore-560 006.
46. Shri C.Veeraswamy
Assistant Foreman,
Inspectorate of Electronics,
Madras-600 014.
47. Shri SK Saxena,
Assistant Foreman,
CIS Wing,
Chandigarh-160 002.
48. Shri T.K.Bose,
Assistant Foreman,
Inspectorate of Electronics,
Calcutta-700 022.
49. Shri K.Nagendra,
Assistant Foreman,
CIP, Bangalore-560 006.
50. Shri K.Krishna Rao,
Assistant Foreman,
CIS, Secunderabad-500 015.
51. Kum R. Rajalakshmi,
Scientist,
ETDC, Bangalore-560 056.
52. Smt. Lalitha Ramakrishna,
Chargeman Grade-I,
'C' Division,
CIL, Bangalore-560 006.
53. Shri R.M.Mukherji,
Chargeman Grade-I,
Inspectorate of Electronics,
Calcutta-700 022.

54. Shri M.L.Labru,
Chargeman Grade-I,
~~Inspectorate of Electronics,~~
CIP, Bangalore-560 006.
55. Shri R.K.Neema,
Chargeman Grade-I,
Inspectorate of Electronics,
Bombay-400 083.
56. Shri KN Ramachandra Rao,
Chargeman Grade-I
CIL, Bangalore-560 006.
57. Shri MS Padmarajaiah,
Central Govt. Standing Counsel,
High Court Buildings,
Bangalore-560 006.
58. Dr. M.S.Nagaraja, Advocate,
No.35, (Above Hotel Swagath),
1st Main Road, Gandhinagar,
Bangalore-560 009.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith ^a~~the~~ copy of the Order passed by this
Tribunal in the above said application on 14-12-87.

Encl: As above.


SECTION OFFICER
(JUDICIAL)

RECEIVED 20 copies 20/12/87

Diary No. 1575/CR/87

I saw Date: 6.1.88 AG

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 14TH DAY OF DECEMBER, 1987

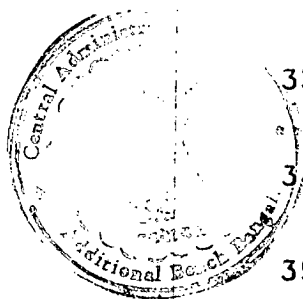
Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
| Hon'ble Shri L.H.A. Rego, Member (A)

REVIEW APPLICATION NOS. 120, 122 TO 157/1987

1. INDIAN NATIONAL NGOs Association of Army Electronics Inspection, C/o CIL JC Nagar PO, Bangalore-6 represents on behalf of 36 undermentioned persons names by its Chairman K. Ramanujam ... Applicant in A.No.120/87.
2. M. Nanjund Sharms, A/F I of L JC Nagar PO, Bangalore. ... Applicant in A.No.122/87.
3. SNS Peerzada, A/F, CIR J.C. Nagar, Bangalore. ... Applicant in A.No.123/87.
4. Naresh Kumar Bali, A/F, CIP JC Nagar, Bangalore. ... Applicant in A.No.124/87.
5. K. Janaki, A/F, CIR, JC Nagar, Bangalore. Applicant in A.No.125/87.
6. HR Shanthaveeriah, A/F, CIR JC Nagar, Bangalore. ... Applicant in A.No.126/87.
7. VM Radhakrishnan, A/F, CIL JC Nagar, Bangalore. ... Applicant in A.No.127/87.
8. SNS Shetty, A/F, CIP, JC Nagar, Bangalore. ... Applicant in A.No.128/87.
9. V. Narayana Reddy, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.129/87.
10. GS Issac, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.130/87.
11. VPP Naidu, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.131/87.
12. GK Devegowda, A/F, CIP JC Nagar, Bangalore. ... Applicant in A.No.132/87.
13. KRS Murthy, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.133/87.
14. B. Viswanath, A/F, CIL, JC Nagar, Bangalore. ... Applicant in A.No.134/87.
15. KRS Aradhya, A/F, I of L JC Nagar, Bangalore. ... Applicant in A.No.135/87.



- | | |
|--|----------------------------------|
| 16. NV Ravikumar, A/F, CIR
JC Nagar, Bangalore. | ... Applicant in
A.No.136/87. |
| 17. LV Bhimesh, A/F, CIL,
JC Nagar, Bangalore. | ... Applicant in
A.No.137/87. |
| 18. V. Sathyanarayana, A/F, I of L
JC Nagar, Bangalore. | ... Applicant in
A.No.138/87. |
| 19. PR Chakrapani, A/F, I of L,
JC Nagar, Bangalore. | ... Applicant in
A.No.139/87. |
| 20. SA Narayan, A/F, CIL,
JC Nagar, Bangalore. | ... Applicant in
A.No.140/87. |
| 21. K Venkatarao, C/M I, CIR,
JC Nagar, Bangalore. | ... Applicant in
A.No.141/87. |
| 22. T. Muniswamy Setty, C/M I, CIL
JC Nagar, Bangalore. | ... Applicant in
A.No.142/87. |
| 23. Chinnappa Reddy, C/M, I, CIL
JC Nagar, Bangalore. | ... Applicant in
A.No.143/87. |
| 24. S. Natarajan, C/M I, I of L
JC Nagar, Bangalore. | ... Applicant in
A.No.144/87. |
| 25. TN Narayanamurthy, C/M I, CIR
JC Nagar, Bangalore. | ... Applicant in
A.No.145/87. |
| 26. H. Pandurangarao, C/M I, CIL,
JC Nagar, Bangalore. | ... Applicant in
A.No.146/87. |
| 27. GR Bali, C/M, I, CIL
JC Nagar, Bangalore. | ... Applicant in
A.No.147/87. |
| 28. RK Roy, C/M I, CIL
JC Nagar, Bangalore. | ... Applicant in
A.No.148/87. |
| 29. RT Anantaramu, C/M, I, CIP,
JC Nagar, Bangalore. | ... Applicant in
A.No.149/87. |
| 30. G. Narayanaswamy, C/M I, CIP
JC Nagar, Bangalore. | ... Applicant in
A.No.150/87. |
| 31. N. Chakraborty, C/M I, CIR
JC Nagar, Bangalore. | ... Applicant in
A.No.151/87. |
| 32. SR Hiriyanaiiah, C/M I, I of L
JC Nagar, Bangalore. | ... Applicant in
A.No.152/87. |
| 33. GP Bagali, C/M I, I of L
JC Nagar, Bangalore. | ... Applicant in
A.No.153/87. |
| 34. Alex Joseph, C/M I, I of L
JC Nagar, Bangalore. | ... Applicant in
A.No.154/87. |
| 35. DSN Prasad, C/M I, CIL
JC Nagar, Bangalore. | ... Applicant in
A.No.155/87. |



36. K. Ramadas, C/M I, I of L,
JC Nagar, Bangalore.

... Applicant in
A.No.156/87.

37. TL Ramamurthy, C/M I, CIL,
JC Nagar, Bangalore.

... Applicant in
A.No.157/87.

(Dr. M.S. Nagaraja, Advocate)

v.

1. Union of India
represented by the Secretary
to the Ministry of Defence,
New Delhi.
2. The Director General of
Inspection, Department of
Defence Production,
Ministry of Defence (DGI),
Room No.234, South Block,
Secretariat, DHQ PO,
New Delhi.
3. The Controller,
C.I.L. JC Nagar,
Bangalore.
4. Shri K. Shankaran, A/F, I of L
C/o CGF, Jabalpur.
5. Shri N. Srinivasamurthy, A/F
'X' Divn. CIL, Bangalore.
6. Shri Sadalghae, A/F, I of L,
Vikhroli, Bombay.
7. Shri B.S. Ravi Prasad, A/F
'T' Division, CIL, Bangalore.
8. Shri Joseph Sequirrie, A/F,
CIR, Bangalore.
9. Shri C. Veeraswamy, A/F,
I of L, Madras.
10. Shri S.K. Saxena, A/F CIS Wing,
Chandigarh.
11. Shri T.K. Bose, A/F, I of L
Calcutta.
12. Shri K. Nagendra, A/F, CIP
Bangalore.
13. Shri K. Krishna Rao, A/F, CIS
Secunderabad.
14. Kum. R. Rajalakshmi, Scientist
ETDC, Bangalore.



15. Smt. Lalitha Ramakrishna,
C/M-I, "C" Division, CIL,
Bangalore.
 16. Shri R.M. Mukherji, C/M-I,
I of L, Calcutta.
 17. Shri M.L. Labru, C/M, CIP
Bangalore.
 18. Shri R.K. Neema, C/M-I,
I of L, Bombay.
 19. Shri K.N. Ramachandra Rao,
CM-I, CIL, Bangalore. ... Respondents.
- (Shri M.S. Padmarajaiah, CGSSC)

These applications having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

These applications are made by the applicants under
Section 22(3)(f) of the Administrative Tribunals Act,
1985 ('the Act') and they seek for a review of our order
made on 20.10.1987, dismissing their Applications Nos.
380, 593 to 628 of 1987 (F) made under Section 19 of the
Act.

2. Applicants in A.Nos. 122 to 157 of 1987 who were
the applicants in A.Nos. 593 to 628 of 1987, whom we
will hereafter refer to as the applicants, were promotee
Chargemen Grade-I (CG-I) and that respondents 4 to 19
herein were direct recruits to the said cadre.

3. In their original applications, the applicants had
challenged the seniority list of 1982 in the cadre of
CG-I principally on the ground that there was a complete
breakdown of the quota-rota rule provided by Government
and that in such a situation, the dates of promotions or

or appointments should be the sole criteria for determining the seniority between promotees and direct recruits which was resisted by the Union of India and other respondents. We heard them on 19th and 20th October, 1987, and that immediately on the conclusion of arguments, we dictated our orders in Court dismissing them, holding that there was no complete break down in the quota rota rule and the small short falls in making direct recruitments, which was to the advantage of the promotees only, did not justify our interference. Our order made on 20-10-1987 in the cases was communicated to all the parties on 13-11-1987.

4. On 23-11-1987 the applicants have presented these applications for review under the Act principally on the ground that the Madras Bench of this Tribunal in O.A.No.731/86 (G.K.VAIDYANATHAN v. UNION OF INDIA AND OTHERS decided on 30-10-1987)(Annexure-B) had held differently on the very question accepting a contrary stand urged by the Union of India therein.

5. Rule 17(3) of the Central Administrative Procedure Rules ('Rules') provides a period of 30 days for making an application for review from the date of the order. On the terms of that rule these applications made on 23-11-1987 are out of time and there is a small delay of 4 days. In I.A.No.I the applicants have sought for condonation of the same.

6. Dr.Nagaraja, learned counsel for the applicants

contends that the applicants bona fide believed that the period of 30 days should be computed from the date of receipt of the order and not from the date of the order and have filed these applications belatedly on that basis and the same constitutes a sufficient ground for condonation.

7. Sri M.S.Padmarajaiah, senior Central Government Standing Counsel who had taken notice for respondents 1 to 3 at our direction opposes I.A.No.I.

8. When the applicants state that they were under a wrong impression that the period of 30 days had to be computed from the date of receipt of the order and not from the date of the order, we should normally accept the same. If that is so, then we should also hold that the same constitutes a sufficient ground to condone the short delay of 4 days. We, therefore, allow I.A.No.I and condone the delay in filing the applications.

9. Dr.Nagaraja contends that the applicants become aware of the diametrically contrary stand urged by the Union of India and its acceptance by the Madras Bench in G.K.VAIDYANATHAN's and that the same constitutes discovery of a new and important matter or evidence which after due diligence was not within their knowledge and was also a patent error to justify a review under Section 23(3)(f) of the Act read with Order 47 Rule 1 of the Code of Civil Procedure.

10. When we heard and decided the cases, Vaidyana-

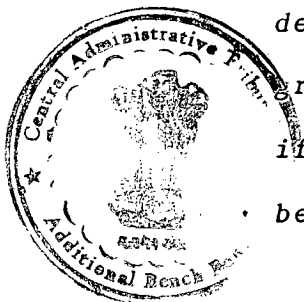
than's case was pending before the Madras Bench and the arguments before us proceeded without reference to the same.

11. On a detailed examination of the contentions urged before us, which necessarily meant reference to pleadings, records, and the law bearing on them, we have reached our conclusions. We do not claim that what we have decided is correct or what has been decided by the Madras Bench is wrong. We are not also competent to say that.

12. We are of the view that the contrary stand, if any, urged in Vaidyanathan's case or its acceptance thereof by the Madras Bench, on any principle will not constitute discovery of a new and important matter or evidence which with exercise of due diligence was not within the knowledge of the parties to justify ~~or~~ review on that ground. We are also of the view that what was not even pleaded and naturally not considered when the order was passed, can never constitute a patent error to justify a reivev on that ground also.

13. The explanation added to Order 47 Rule 1 of the Code of Civil Procedure Amendment Act, 1976 from 16-2-1977 now expressly provides that a judgment of a superior court taking a contrary view or even declaring the law differently cannot constitute a ground for reveiw. A fortiori the contrary view, if any urged and accepted in Vaidyanathan's case cannot be a ground for review at all.

14. Dr. Nagaraja relies on the explanation to



Section 141 of the Code of Civil Procedure and contends that the two grounds formulated by him constitutes grounds for review.

15. We are of the view that Section 141 or the explanation to that Section have no relevance at all to decide whether the order made by us justifies a review on either of the grounds urged before us. We, see no merit in this contention of Dr.Nagaraja either.

16. Whether the two orders made by two Benches have really created irreconcilable conflicts and incongruities for one and all and how it had to be resolved is also a matter on which we are not competent to say anything and we refrain to say anything on them. But, all of them, do not constitute grounds for review.

17. In the light of our above discussion, we hold that these review applications are liable to be rejected. We, therefore, reject them. But, in the circumstances of the cases, we direct the parties to bear their own costs.

Sd —
VICE-CHAIRMAN 14/12/87

Sd —
MEMBER(A). 14/12/87

np/



- True Copy -

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
29/12/87

All communications should be addressed to the Registrar Supreme Court, by designation. NOT by name
Telegraphic address —
"SUPREMECO"

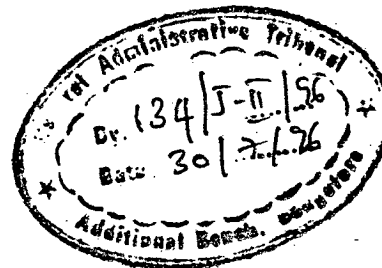
D. No. 4092/95/IV/SC

SUPREME COURT
INDIA

Dated New Delhi, the July, 1996 19

FROM The Registrar(Judicial),
Supreme Court of India,
New Delhi.

TO The Registrar,
Central Administrative Tribunal,
Bangalore Bench at Bangalore.



CIVIL APPEAL NO.9831 OF 1995.

Indian National NGOs Association of Army
Electronics Inspection Bangalore

...Appellant.

Vs.

Union of India & Ors.

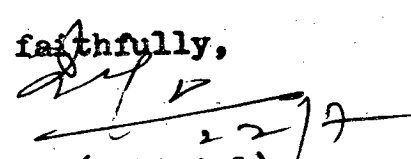
...Respondents.

Sir,

In continuation of this Registry's letter of even number dated the 23rd November, 1995, I am directed to transmit herewith for necessary action a certified copy of the Decree dated the 2nd November, 1995 of the Supreme Court in the appeal above-mentioned.

Please acknowledge receipt.

Yours faithfully,


for Registrar(Judicial)

2/7/96
30/7/96
S.B.

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION

98670

Nox

ofx

CIVIL APPEAL NO. 9831 OF 1995.

Certified to be true copy

Assistant Registrar (Judl)
..... 18x
Supreme Court of IndiaARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3930 OF 1988.
 (Petition under Article 136 of the Constitution of India from the Order dated the 14th December, 1987 of the Central Administrative Tribunal, Bangalore Bench at Bangalore in Review Application No. 120 of 1987 in Application No. 380 of 1987 and the Order dated 20th October, 1987 of the said Tribunal in Application No. 380 of 1987).

Indian National NGOs Association of
 Army Electronics Inspection Bangalore
~~xxxxxxxxxxxxxx~~

...Appellant.

Vs.

Union of India & Ors.

...Respondents.

(For full cause title please see Schedule 'A' attached herewith).

2nd November, 1995.CORAM:

HON'BLE MR. JUSTICE K. RAMASWAMY
 HON'BLE MR. JUSTICE B.P. JEEVAN REDDY
 HON'BLE MR. JUSTICE B.L. HANSARIA

For the Appellant: Mr. M.N. Krishnamani, Senior Advocate.
 (M/s. P.K. Singh, .. Madhusudan Babu and
 and M.M. Kashyap, Advocates with him).

For Respdt. Nos. 1 & 2: M/s. Wasim Qadri, P. Parmeswaran, & Ms. Sushma
 The Petition for Special Leave to Appeal above-mentioned

along with the connected matter being called on for hearing before
 this Court on the 12th and 13th days of September, 1995, UPON
 perusing the record and hearing counsel for the appearing parties
 above-mentioned, the Court took time to consider its Judgment and
 the matter being called on for Judgment on the 2nd day of November
 1995, THIS COURT DOth grants Special Leave to appeal and in
 dismissing the resultant appeal PASS the following ORDER:

"The promotees' challenge to the seniority lists prepared
 in the years 1982, 1983 and 1983 fails as also their
 challenge to the promotion of direct recruits to the post
 of Assistant Foreman earlier than the petitioners in
 Original Application No. 380 of 1987 on the file of Bangalore
 Tribunal."

AND THIS COURT DOth FURTHER ORDER that there shall be no
 order as to costs of this appeal in this Court;

11/

.../-

AND THIS COURT DOTH LASTLY ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Aziz Mushabber Ahmedi, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 2nd day of November, 1995.

Sej-
(MANJU GOEL)
REGISTRAR (VIG.)

h
Blr

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. OF 1988

IN THE MATTER OF :

CA 9831/95

Indian National NGOs Association
of Army Electronics Inspection
Bangalore, on behalf of 36 persons
represented by its Chairman,
K. RAMANUJAM

..... PETITIONER

-versus-

1. The Union of India
represented by the Secretary
to the Ministry of Defence,
New Delhi - 110 001.
2. The Director General of Inspection,
Department of Defence Production,
Ministry of Defence (DGI), Room No. 234,
South Block, Secretariat, DHQ PO,
New Delhi - 110 011.
3. The Controller,
CIL, JC Nagar PO,
Bangalore - 560 006.
4. Shri K. Shankaran,
Asstt. Foreman,
Inspectorate of Electronics,
C/o CGF, Jabalpur - 482 011.
5. Shri N. Srinivasamurthy,
Asstt. Foreman 'X' Division,
CIL, Bangalore - 6.
6. Shri Sadalghee,
Asstt. Foreman,
Inspectorate of Electronics,
Vikhroli, Bombay - 400 083.
7. Shri B.S. Ravi Prasad,
Asstt. Foreman,
'T' Division, CIL, Bangalore.
8. Shri Joseph Sequiria,
A/F, CIR, Bangalore-6.
9. Shri C. Veeraswamy,
Asstt. Foreman,
Inspectorate of Electronics,
CIL, Bangalore - 600 014.

20. Shri S.K. Saxena,
Asstt. Foreman,
CIS Wing,
Chandigarh - 160 002.
11. Shri T.K. Bose,
Asstt. Foreman,
Inspectorate of Electronics,
Calcutta - 700 022.
12. Shri K. Nagendra,
Asstt. Foreman,
CIP, Bangalore - 6.
13. Shri K. Krishna Rao,
Asstt. Foreman,
CIS, Secunderabad - 500 015.
14. Kum.R. Rajalakshmi,
Scientist, ETDC,
Bangalore - 6.
15. Smt. Lalitha Ramakrishna,
Charge Man - I, 'C' Division,
CIL, Bangalore - 6.
16. Shri R.M. Mukherji,
Charge Man - I,
Inspectorate of Electronics,
Calcutta - 700 022.
17. Shri M.L. Labar,
Charge Man - I,
Inspectorate of Electronics,
Bangalore - 6.
18. Shri R.K. Neema,
Charge Man-I,
Inspectorate of Electronics,
Bombay - 400 083.
19. Shri K.N. Ramachandra Rao,
Charge Man - I, CIL,
Bangalore - 6.

.... RESPONDENTS

AND IN THE MATTER OF :

Judgement and Order dated
20th of October, 1987 by the
Central Administrative Tribunal,
Bangalore Bench in Application
No.380 of 1987; Indian National
NGOs Association of Army

SUPREME COURT
CRIMINAL/CIVIL APPELLATE JURISDICTION

NA.

o/1007

CIVIL APPEAL NO. 9831 OF 1995.

**Indian National NGOs Association
of Army Electronics Inspector
Bangalore**

**Appellant
Petitioner**

Versus

Union of India & Ors.

Respondent s.

**CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.
Review Application No. 120 of 1987 in Application
No. 380 of 1987 and Application No. 380 of 1987.**

**DECREE DISMISSING THE APPEAL
WITH NO ORDER AS TO COSTS.**

Dated the 2nd day of November 1995.

M.M.Kashyap,

Examined by

Advocate on Record for the Appellant.

Compared with

SHRI Ms. Sushma Suri,

No. of folios

Advocate on Record for Respondent Nos. 1 and 2.

SEALED IN MY PRESENCE

23/11/95

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 13-11-87

APPLICATION NUMBERS 380, 593 to 628/87(F)

Applicants

Indian National NGO's Association
of Army Electronics by its Chairman V/s
& 36 Ors

To

1. Shri K. Ramanujam
Chairman
Indian National NGOs Association
of Army Electronics Inspection
C/o CIL, JC Nagar P.O.
Bangalore - 560 006
2. Shri M. Nanjunda Sharma
Assistant Foreman
Inspectorate of Electronics
JC Nagar P.O.
Bangalore - 560 006
3. Shri S.N.S. Peerzada
Assistant Foreman
Controllerate of Insection Radar
JC Nagar P.O.
Bangalore - 560 006
4. Shri Nareesh Kumar Bali
Assistant Foreman
Controllerate of Inspection
(Power Systems)
JC Nagar P.O.
Bangalore - 560 006
5. Smt K. Janaki
Assistant Foreman
Controllerate of Inspection(Radar)
JC Nagar P.O.
Bangalore - 560 006
6. Shri H.R. Shanthaveeralah
Assistant Foreman
Controllerate of Inspection(Radar)
JC Nagar P.O.
Bangalore - 560 006

Respondents

The Secy, M/o Defence & 18 Ors

7. Shri V.M. Radhakrishnan
Assistant Foreman
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
8. Shri S.N.S. Setty
Assistant Foreman
Controllerate of Inspection
(Power Systems)
JC Nagar P.O.
Bangalore - 560 006
9. Shri V. Narayana Reddy
Assistant Foreman
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
10. Shri G.S. Issac
Assistant Foreman
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
11. Shri V.P.P. Naidu
Assistant Foreman
Controllerate of Inspection
(Power Systems)
JC Nagar P.O.
Bangalore - 560 006
12. Shri G.K. Davegowda
Assistant Foreman
Controllerate of Inspection
(Power Systems)
JC Nagar P.O., Bangalore-6

13. Shri K.R.S. Murthy
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
14. Shri B. Viswanath
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
15. Shri K.R.S. Aradhya
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
16. Shri N.V. Ravikumar
Chargeman Grade - I
Inspectorate of Electronics
JC Nagar P.O.
Bangalore - 560 006
17. Shri L.V. Bhimesh
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
18. Shri V. Sathyanarayana
Chargeman Grade - I
Inspectorate of Electronics
JC Nagar P.O.
Bangalore - 560 006
19. Shri P.R. Chakrapani
Chargeman Grade - I
Controllerate of Inspection(Radar)
JC Nagar P.O.
Bangalore - 560 006
20. Shri S.A. Narayan
Chargeman Grade - I
Controllerate of Inspection
(Power Systems)
JC Nagar P.O.
Bangalore - 560 006
21. Shri K. Venkatarao
Chargeman Grade - I
Controllerate of Inspection(Radar)
JC Nagar P.O.
Bangalore - 560 006
22. Shri T. Muniswamy Setty
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
23. Shri Chinnappa Reddy
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
24. Shri S. Natarajan
Chargeman Grade - I
Inspectorate of Electronics
JC Nagar P.O.
Bangalore - 560 006
25. Shri T.M. Narayana Murthy
Chargeman Grade - I
Controllerate of Inspection(Radar)
JC Nagar P.O.
Bangalore - 560 006
26. Shri H. Panduranga Rao
Chargeman Grade - I
Controllerate of Inspection)
Electronics
JC Nagar P.O.
Bangalore - 560 006
27. Shri G.R. Bali
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
28. Shri R.K. Roy
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006

8

29. Shri T.R. Anantharamu
Chargeman Grade - I
Controllerate of Inspection
(Power Systems)
JC Nagar P.O.
Bangalore - 560 006
30. Shri G. Narayanaswamy
Chargeman Grade - I
Controllerate of Inspection
(Power Systems)
JC Nagar P.O.
Bangalore - 560 006
31. Shri N. Chakraborty
Chargeman Grade - I
Controllerate of Inspection
(Power Systems)
JC Nagar P.O.
Bangalore - 560 006
32. Shri S.R. Miriyannaiah
Chargeman Grade - I
Inspectorate of Electronics
JC Nagar P.O.
Bangalore - 560 006
33. Shri G.P. Bagali
Chargeman Grade - I
Inspectorate of Electronics
JC Nagar P.O.
Bangalore - 560 006
34. Shri Alex Joseph
Chargeman Grade - I
Inspectorate of Electronics
JC Nagar P.O.
Bangalore - 560 006
35. Shri DSN Prasad
Chargeman Grade - I
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
36. Shri K. Ramadas
Chargeman Grade - I
Inspectorate of Electronics
JC Nagar P.O., Bangalore - 560 006
37. Shri T.L. Ramamurthy
Chargeman Grade - I
Controllerate of Inspection Electronics
JC Nagar P.O., Bangalore - 560 006
38. The Secretary
Ministry of Defence
New Delhi - 110 011
39. The Director General of
Inspection (DGI)
Department of Defence Production
Ministry of Defence
Room No.234, South Block
DHQ PO, New Delhi - 110 011
40. The Controller
Controllerate of Inspection
Electronics
JC Nagar P.O.
Bangalore - 560 006
41. Shri K. Shankaran
A/F, I of L, c/o CGF,
~~Box 355~~, Jabalpur - 482 011
(Madhya Pradesh)
42. Shri N. Srinivasamurthy
Assistant Foreman
Controllerate of Inspection
(Special Vehicles)
Ministry of Defence (DGI)
Dehu Road
Pune - 412 113
43. Shri Sadalghae
Assistant Foreman
Inspectorate of Electronics
Vikhroli
Bombay - 400 083
44. Shri B.S. Ravi Prasad
Assistant Foreman
'T' Division
CIL, Bangalore - 560 006
45. Shri Joesph Sequiria
Assistant Foreman
Controllerate of Inspection
(Radar)
Bangalore - 560 006
46. Shri C. Veeraswamy
Assistant Foreman
Inspectorate of Electronics
Madras - 600 014
47. Shri SK Saxena
Assistant Foreman
CIS Wing, Chandigarh -
160 002

48. Shri T.K. Bose
Assistant Foreman
Inspectorate of Electronics
Calcutta - 700 022
49. Shri K. Nagendra
Assistant Foreman
CIP, Bangalore -560 006
50. Shri K. Krishna Rao
Assistant Foreman
CIS, Secunderabad - 500 015
51. Kum R. Rajalakshmi
Scientist
ETDC, Bangalore - 560 056
52. Smt Lalitha Ramakrishna
Chargeman Grade - I
'C' Division
CIL, Bangalore - 560 006
53. Shri R.M. Mukherji
Chargeman Grade - I
Inspectorate of Electronics
Calcutta - 700022
54. Shri M.L. Labru
Chargeman Grade - I
CIP, Bangalore - 560 006
55. Shri R.K. Neema
Chargeman Grade - I
Inspectorate of Electronics
Bombay - 400 083
56. Shri K.N. Ramachandra Rao
Chargeman Grade - I
CIL, Bangalore - 560 006
57. Shri M.S. Padmarajaiah
Central Govt. Sing Counsel
High Court Buildings
Bangalore -560 006

Subject : SENDING COPIES OF THE ORDER PASSED BY THE BENCH

Enclosed herewith please find copy of the Order passed by ~~this~~
this tribunal in the above said applications on 20-10-87

Encl : As above


Section Officer
(Judicial)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 20TH DAY OF OCTOBER, 1987

PRESENT:

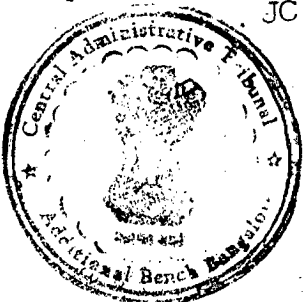
Hon'ble Mr. Justice K.S. Puttaswamy, .. Vice-Chairman

Hon'ble Mr. L.H.A. Rego, .. Member(A).

APPLICATIONS NUMBERS 380, 593 to 628 OF 1987.

1. Indian National NGOs Association of
Army Electronics Inspection, C/o CIL,
JC Nagar P.O., Bangalore-6 on behalf of 36 persons
represented by its Chairman K. Ramanujam. .. Applicant A.380/
87.
2. M. Nanjunda Sharma,
Assistant Foreman,
Inspectorate of Electronics,
JC Nagar P.O., Bangalore-6.
3. SNS Peerzada,
Assistant Foreman,
Controllerate of Inspection Radar,
JC Nagar P.O., Bangalore-6.
4. Naresh Kumar Bali,
Assistant Foreman,
Controllerate of Inspection, Power Systems,
JC Nagar PO, Bangalore-6.
5. Smt. K. Janaki,
Assistant Foreman,
Controllerate of Inspection Rader,
J.C. Nagar PO, Bangalore-6.
6. HR Shanthaveeraiah,
Assistant Foreman,
Controllerate of Inspection Radar,
JC Nagar PO, Bangalore-6.
7. VN. Radhakrishnan,
Assistant Foreman; Controllerate of Inspection,
Electronics, JC Nagar PO.,
Bangalore-6.
8. SNS Setty,
Assistant Foreman,
Controllerate of Inspection Power Systems,
JC Nagar PO, Bangalore-6.
9. V. Narayana Reddy,
Assistant Foreman,
Controllerate of Inspection Electronics,
JC. Nagar PO, Bangalore-6. ... Applicants(Contd)

...2/-



O R D E R

These are applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985. As the questions that arise for determination in these cases are common, we propose to dispose them of by a common order.

2. An association called the "Indian National NGOs Association of Army Electronics Inspection, Bangalore ('Association') registered under the Trade Unions Act, 1926 is the applicant in A.No.380 of 1987. Applicants in Application Nos.593 to 628 of 1987 and respondents 4 to 19 are working as Chargemen Grade-I (CGI) in the Directorate of Director General of Inspection, Department of Defence Production, Ministry of Defence, Government of India ('Department').

3. Applicants in A.Nos.593 to 628 of 1987 are promotees to the posts of CGI from the lower cadre of chargemen Grade-II. Respondents 4 to 19 are direct recruits to the posts of CGI.

4. The Association first approached us to espouse the cause of promotees. But, later, the promotees themselves who are really and personally aggrieved have joined as applicants. We will therefore, refer to them as the applicants hereafter.

5. The dispute is an all too familiar one between promotees and direct recruits as regards their relative seniority coming almost perennially before Courts and Tribunals. But, in order to appreciate the controversy between them, it is useful to notice a few more facts.



- 7 -

6. The applicants were all promoted and appointed as CGI on different dates, some in 1980, and others atleast 10 months earlier to respondent No.4 and other direct recruits. But, all of them were promoted and appointed well before 26-12-1981 on which day only respondent No.4 and a few others were appointed as direct recruits to the posts of CGI.

7. In the seniority list or roll prepared in the cadre of CGI for the calendar year 1982, respondent No.4 who was appointed on 26-12-1981 or decidedly after the applicants had been assigned rank No.37 or a higher rank over them which is true in the case of other direct recruits also.

8. Firstly, the applicants claim that the assignment of higher ranks to respondent No.4 and others appointed later to them, was impermissible and illegal. Secondly, they claim that the quota-rota rule inextricably linked with the fixation of inter se seniority between the direct recruits and promotees had broken, on which ground the dates of their respective appointments, should be the sole criterion in determining the inter se Seniority between them. Lastly, the applicants have challenged more than one order made by Government to sustain their claims. But, at the hearing, the applicants confined their challenge only to O.M.No. 35014/2/80-Estt(L) dated 7-2-1986 ('OM') (Annexure-A5).

9. In their reply, respondents 1 to 3 have resisted the claim of the applicants.

...8/-



10. On the case pleaded and the grounds urged by the applicants, respondents 1 to 3 have inter alia stated thus:

"A roster is maintained based on the reservation of vacancies for direct recruitment and promotion in the Recruitment Rules in respect of each category. The relative seniority of direct recruits and promotees are determined according to rotation of vacancies between the Direct Recruits and Promotees based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules. However, in the cases where there was delay in direct recruitment or DPC for promotion could not be held for valid reasons any subsequent years as per their quota. Their seniority those slots were left vacant and filled in the is also determined as per the panel seniority, whereas in the case of recruitment the seniority is determined from the date of recruitment panel is drawn. Thereafter, the intersé seniority between recruits and promotees is determined as per the system of rota-quota. The Min. of Def.No.28(b)/67/D(Appts.) dated 29-6-1973 received under DGI HQ, New Delhi L/No.98415/TD-49 dated 06/14 Dec 73 refers. Thereby, these persons became senior to persons who were already working in the grade/post. The respondents Nos.4 to 19 are direct recruits to the post of Chargeman Grade-I and seniority of the applicants and respondents were correctly fixed. The rota-quota system has correctly been followed according to the ratio prescribed as per the rules from time to time i.e., upto 20-2-79 66 2/3%: 33 1/3%, from 21-2-1979 to 25-6-1985, 80% : 20% and from 26-6-1985 onwards 100% by promotion".

These respondents have asserted that the quota-rota rule had been observed and the same had not broken to uphold the claim of the applicants.

...9/-



- 9 -

11. Respondents 4 to 19 who have been duly served have remained absent and are unrepresented.

12. Sri K.Ramanujam, the Chairman of the Association appeared for all the applicants. Sri MS Padmarajaiah, learned Senior Central Government Standing Counsel appeared for respondents 1 to 3.

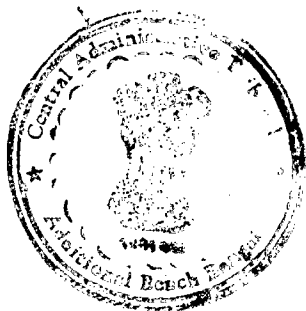
13. Sri Ramanujam contends that para 7 of the OM dated 7-2-1986, providing for determination of inter se seniority between the promotees and direct recruits for periods prior to 1-3-1986 in derogation of the earlier orders thereto, was violative of Articles 14 and 16 of the Constitution of India and was, therefore, liable to be struck down.

14. Sri Padmarajaiah contends that para 7 of the OM far from upsetting the seniority determined for earlier periods saves it and even otherwise is not violative of Articles 14 and 16 of the Constitution.

15. In exercise of its executive powers, Government had formulated general principles to regulate seniority between promotees and direct recruits from time to time and one such was made by Government on 11-3-1965 which modified the earlier orders to the extent indicated in that order.

16. In the OM dated 7-2-1986 given effect to from 1-3-1986, Government had modified them in some respects. But, in doing so, Government in para 7 of that order had stated thus:

...10/-



19

- 10 -

"7. These orders shall take effect from 1st March, 1986. Seniority already determined in accordance with the existing principles on the date of issue of these orders will not be re-opened. In respect of vacancies for which recruitment action has already been taken, on the date of issue of these orders either by way of direct recruitment or promotion, seniority will continue to be determined in accordance with the principles in force prior to the issue of this O.M."

The applicants claim that this ^{is} prejudicial to them. Whether this is so or not must be first ascertained.

17. The first part declares that the revised principles shall be effective from 1-3-1986 and seniority settled prior to that date applying the earlier principles shall not be reopened by Departments of Government. This part of the clause does not affect the applicants.

18. In the second part, Government had directed that in determining seniority of direct recruits and promotees prior to 1-3-1986 be applied or followed. In other words, the second part directs that inter se seniority between the direct recruits and promotees for periods prior to 1-3-1986, must be determined in accordance with the law that was then in force and not in accordance with the law or the modified principles which came into force from 1-3-1986.

/or till
28-2-1986
the princi-
ples that
were then
in force
alone
must

19. The above construction of para 7 of the OM which is also the proper construction in the context, does not hurt and affect the applicants or the determination of seniority between them and the direct recruits for the year 1982. We are of the view that this clause far from hurting the applicants safeguards their interests. If that is so, then we cannot take exception to the same at any rate at the instance of the promotees.

...11/-



20. Even otherwise, we fail to see as to how para 7 of the OM offends Articles 14 & 16 of the Constitution at all.

21. On the foregoing discussion, we see no merits in the challenge of the applicants to para 7 of the OM dated 7-2-1986 and we reject the same.

22. Sri Ramanujam contends that from 1978 and onwards, the department, had deliberately and systematically violated the quota stipulated from time to time in the Department of Defence Production (Directorate General of Inspection) class III Non-Gazetted (Technical, Scientific and Non-Ministerial) Posts Recruitment Rules, 1964 ('C & R Rules') and Clause or Rule 6 of the General Principles of Seniority providing for rotation of vacancies between direct recruits and promotees or there was a complete break-down of the quota-rotation rule from 1978 and onwards and, therefore, it was imperative to fix seniority between the promotees and direct recruits, solely on the basis of their appointment as directed by Government in its OM dated 5-1-1971 (Annexure A4). In support of his contention Sri Ramanujam strongly relies on the ruling of the Principal Bench in K.N.MISHRA AND OTHERS v. UNION OF INDIA AND OTHERS (AIR 1986 (2) CAT 270) and on all the rulings of the Supreme Court noticed in that case.

23. Sri Padmarajaiah in refuting the contention of Sri Ramanujam contends to the contrary. In support of his contention Sri Padmarajaiah strongly relies on the very latest ruling of the Supreme Court in GONAL BHIMAPPA v. STATE OF KARNATAKA (ILR 1987 Ker.3127).

24

- 12 -

24. Even according to the applicants themselves the period for which there was an alleged break-down was barely for a short period of 4 years.

25. In Mishra's case and all other cases that arose before the Supreme Court the fact situation that really turned those decisions in favour of the promotees was that there was a break-down in the observance of quota-rota rule for long periods in some cases like G.S.L/MB/A AND OTHERS v. UNION OF INDIA AND OTHERS (1985 SCC (L&S)491) for decades. But, that is not the position in these cases. On this short ground we will not be justified in applying the principles enunciated in Mishra's or the various rulings of the Supreme Court relied on in Mishra's case. On this ground itself, we should reject this contention urged for the applicants. But, we do not propose to do so and proceed to ascertain whether there was actually a break-down of the quota-rota rule as claimed by the applicants or not.

26. While the applicants claim that there was a break-down of the quota-rota rule, the respondents asserted that there was no such break-down. On the other hand, they asserted that the quota-rota rule was adhered to every year. In the context of these pleadings, we have carefully examined the pertinent record of the department and the material placed by Sri Ramanujam.

27. We have examined the record relating to promotion and direct recruitment during the years 1981 and 1982 to the cadre of CGI and also the register called 'Promotion/Recruitment Quota Roster Register' of the Department ('Register') and also the chart produced by Sri Ramanujam.

...13/-



28. On an examination of the records, We notice that there was a deviation or departure in adhering to the quota prescribed for direct recruitment and promotion in the calendar years from 1978 to 1981 reckoning each year as one unit. In all these years, the posts in the cadre of CGI were filled in from two sources viz., direct recruitment and promotions. Strange enough, during these years, promotions to the cadre were in excess of direct recruitment. This then is the factual position revealed from the records.

29. From what we have found earlier, it is difficult to hold that there was a complete break-down in the observance of the quota-rota rule to the cadre from 1978 to 1981 reckoning each calendar year as a separate and distinct unit. At the highest, there was some deviation or departure in adhering to the quota from the two sources in all the four years. The small deviation or departure from the quota-rule, which was really in favour of the promotees rather than of the direct recruits cannot at all be characterised or held as cases of complete break-down as happened in Mishra's and other cases that arose before the Supreme Court. On any principle, we will not be justified in holding that there was a complete break-down of the quota-rota rule stipulated in the C & R Rules from time to time.

30. When there is no break-down in the observance of the quota-rota rule then the drawing up of the seniority list for the year 1982 assigning places due to the applicants and respondents Nos.4 to 19 and others, cannot be undone by us at all. Even otherwise, we find that the placements assigned

...14/-

23

- 14 -

are in confirmity with the quota-rotta rule then in force. If in such a situation direct recruits occupy the places legitimately due to them, then the fact that the applicants occupy lower places vis-a-vis respondent No.4 was an inevitable consequence of the same and cannot be helped. From this it also follows that the principles enunciated in Mishra's case and all the rulings of the Supreme Court in that case, do not really assist the applicants. We see no infirmity in the seniority list drawn up for the year 1982.

31. Sri Ramanujam lastly contends that the principle formulated or directions issued by Government in its OM dated 7-2-1986 on the dispensation of the 'slot system' had not been followed by the department in the preparation of seniority list and the same was, therefore, illegal.

32. We have earlier found that the seniority list drawn up for 1982 was in confirmity with the quota rota rule from time to time. The OM dated 7-2-1986 does not govern the same. Even if it governs, then also the same had not been violated. We see no merit in this contention either,

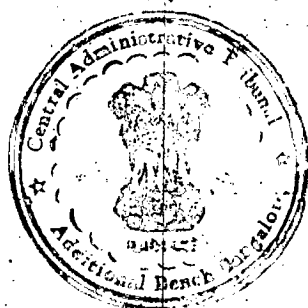
33. As all the contentions urged for the applicants fail, these applications are liable to be dismissed. We, therefore dismiss these applications. But, in the circumstances of the cases, we direct the parties to bear their own costs.

Sd/-
VICE-CHAIRMAN

Sd/-
MEMBER(A).

- True copy -

u copy



Dr. M.S. NAGARAJA, B.Sc., M.L., Ph.D.
ADVOCATE

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE