

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 8 FEB 1988

APPLICATION NO. 219/87(F)

Applicant

Shri R. Gopalakrishna

Respondents

V/s The Secy, M/o Defence & 39 Ors

To

1. Shri R. Gopalakrishna  
No. 897, 2nd Main  
4th Block, Rajajinagar  
Bangalore - 560 010
2. Shri A.C. Rajasekhar  
Advocate  
No. 82/B, 1st Cross, 12th Main Road  
Banashankari 1st Stage, II Block  
Bangalore - 560 050
3. The Secretary  
Ministry of Defence  
South Block  
New Delhi - 110 011
4. The Director General of Inspection  
Department of Defence Production  
Ministry of Defence  
DHQ P.O.  
New Delhi - 110 011
5. The Controller of Inspection Electronics  
Controllerate of Inspection Electronics  
(CIL), Ministry of Defence  
JC Nagar P.O.  
Bangalore - 560 006
6. Shri T. Kuppaswamy  
Chargeman Grade II  
Controllerate of Inspection Radar(CIR)  
Ministry of Defence  
Bangalore - 560 006
7. Shri S. Jagadish
8. Shri M.P. Renukamurthy
9. Shri B.M. Hiriyanna  
(Sl Nos. 7 to 9 -  
Chargemen Grade II  
Controllerate of Inspection  
(Power Systems) (CIP)  
Ministry of Defence  
Bangalore - 560 006)
10. Shri K.R. Gururaja  
Chargeman Grade II  
Controllerate of Inspection  
Electronics (CIL)  
Bangalore - 560 006
11. Shri P.M. John
12. Shri S.K. Mudgil  
(Sl Nos 11 & 12 -  
Chargemen Grade II  
Inspectorate of Electronics  
Ministry of Defence  
Jabalpur (M.P.) )
13. Smt Jyothi Chadrashekaran  
Chargeman Grade II  
Controllerate of Inspection  
Electronics (CIL)  
Ministry of Defence  
Bangalore - 560 006

*jc*

14. Shri J.J. Sugirtharaj
15. Shri S.S. Roshiduddin
- (Sl Nos. 14 & 15 -  
Chargeman Grade II  
Inspectorate of Electronics  
Ministry of Defence  
Bangalore - 560 006 )
16. Shri H. Dayasagara Rao  
Chargeman Grade II  
Controllerate of Inspection  
Electronics, Ministry of Defence  
Bangalore - 560 006
17. Shri C.V. Nagaraja Rao  
Chargeman Grade II  
Inspectorate of Electronics  
Ministry of Defence  
Bangalore - 560 006
18. Shri P.A. Belliyappa
19. Shri K. Ramesh
- (Sl Nos. 18 & 19 -  
Chargeman Grade II  
Controllerate of Inspection  
Electronics (CIL)  
Ministry of Defence  
Bangalore - 560 006 )
20. Shri K.K. Medappa  
Chargeman Grade II  
Controllerate of Inspection  
Power Systems (CIP)  
Ministry of Defence  
Bangalore - 560 006
21. Shri Babul Chandradas  
Chargeman Grade II  
Inspectorate of Electronics  
Ministry of Defence  
Calcutta (W.B.)
22. Shri Balbir Singh Aoulakh  
Chargeman Grade II  
Inspectorate of Electronics  
Ministry of Defence  
Bombay
23. Shri Sardar Singh  
Chargeman Grade II  
Inspectorate of Electronics  
Ministry of Defence  
New Delhi
24. Shri Noor Ahmad  
Chargeman Grade II  
Controllerate of Inspection  
Power Systems (CIP)  
Ministry of Defence  
Bangalore - 560 006
25. Shri D. Pannindra
26. Shri Y.R. Hayagreeva Rao
27. Smt K. Rathamma
28. Shri Y.N. Sreeramaiah
- (Sl Nos. 25 to 28 -  
Chargeman Grade II  
Controllerate of Inspection  
Electronics (CIL)  
Ministry of Defence  
Bangalore - 560 006 )
29. Shri P.M. Sur  
Chargeman Grade II  
Inspectorate of Electronics  
Ministry of Defence  
New Delhi
30. Shri V.K.S. Mudaliar
31. Shri G.P. Shanmugam
- (Sl Nos 30 & 31 -  
Supervisors  
Controllerate of Inspection Radar (CIR)  
Ministry of Defence  
Bangalore - 560 006 )
32. Shri K.R. Rajagopal  
Supervisor  
Controllerate of Inspection  
Power Systems (CIP)  
Ministry of Defence  
Bangalore - 560 006
33. Shri D.A. Muthappa  
Supervisor  
Inspectorate of Electronics  
Ministry of Defence  
Bangalore - 560 006

34. Shri G.R. Ramkar  
Supervisor  
Inspectorate of Electronics  
Ministry of Defence  
Jabalpur (M.P.)

35. Shri R. Balakrishna

36. Shri Akhilesh Kumar

(Sl Nos. 35 & 36 -

Supervisors  
Controllerate of Inspection  
Systems (CIS)  
Ministry of Defence  
Secunderabad(A.P.))

37. Shri N.K. Sen Gupta  
Supervisor  
Controllerate of Inspection  
Systems (CIS)  
Ministry of Defence  
Secunderabad (A.P.)

38. Shri Ibrahim Sharief

39. Shri H.S. Mruthyunjaya

40. Shri Altaf Khan

41. Shri T. Prabhakar

42. Shri R. Nagarathnam

(Sl Nos. 38 to 42 -

Supervisors  
Controllerate of Inspection  
Electronics (CIL)  
Ministry of Defence  
Bangalore - 560 006)

43. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

\*\*\*\*\*

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal  
in the above said application on 19-1-88.

Encl : As above

*B.V. Venkatesh Reddy*  
DEPUTY REGISTRAR  
(JUDICIAL)

*jc*

RECEIVED

Diary No. *1691/CR/88*

Date: *10-2-88*

*+3 copies 9/2/88*

CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH  
BANGALORE

DATED THIS THE NINETEENTH DAY OF JANUARY 1988

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

APPLICATION NO. 219/87(F)

R. Gopalakrishna,  
Supervisor Tech,  
serving in Controllarate of  
Inspection Electronics (CIL),  
Ministry of Defence,  
Government of India,  
JC Nagar PO, Bangalore-560 006.

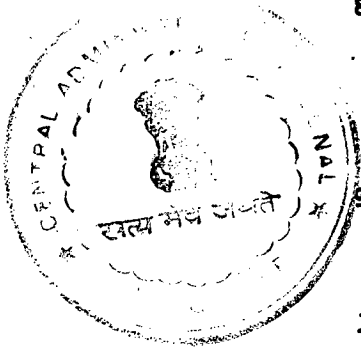
.. Applicant

(Shri A.C. Rajasekhar . Advocate)

v.

1. Union of India represented by  
the Secretary to the Ministry of Defence,  
New Delhi - 110 011
2. Director General of Inspection,  
Department of Defence Production,  
Ministry of Defence, Govt. of India,  
DHQ PO New Delhi - 110 011.
3. The Controller of Inspection Electronics,  
Controllarate of Inspection Electronics (CIL),  
Ministry of Defence, Govt. of India,  
JC Nagar PO, Bangalore-560 006.
4. T. Kuppaswamy
5. S. Jagadish
6. M.P. Renukamurthy
7. K.R. Gururaja
8. B.M. Hiriyanna  
All Chergeman II,  
Controllarate of Inspection  
Power Systems (CIP),  
Ministry of Defence, Bangalore-560006.
9. P.M. John, C/M II,  
Inspectorate of Electronics,  
Ministry of Defence, Jabalpur.
10. S.K. Mudgil, C/M II,  
Inspectorate of Electronics,  
Ministry of Defence, Jabalpur.

... Respondents



11. Smt. Jyothi Chandrashekar, C/M II  
CIL, Ministry of Defence,  
Bangalore-6.
12. J.J. Sugirtharaj, C/M II  
Inspectorate of Electronics,  
Min of Defence, Bangalore
13. S.S. Roshiduddin, C/M II,  
Inspectorate of Electronics,  
Min of Defence, Bangalore-6.
14. H. Dayasagara Rao, C/M II )  
15. C.V. Nagaraja Rao, C/M II ) CIL  
16. P.A. Belliyappa, C/M II ) Ministry of Defence  
17. K. Ramesh, C/M II ) Bangalore-560 006.
18. K.K. Meddappa, C/M II  
Controllarate of Inspection  
Power Systems (CIP),  
Min of Defence, Bangalore-6.
19. Babul Chandradas, C/M II,  
Inspectorate of Electronics,  
Ministry of Defence, Calcutta.
20. Balbir Singh Acalakh, C/M II  
Inspectorate of Electronics,  
Ministry of Defence, Bombay.
21. Sardar Singh, C/M II,  
Inspectorate of Electronics,  
Ministry of Defence, New Delhi.
22. Noor Ahmed, C/M II  
CIP, Ministry of Defence,  
Bangalore-560 006.
23. D. Pannindra, C/M II )  
24. Y.B. Hayagreeva Rao, C/M II ) CIL  
25. Smt. K. Rathamma, C/M II ) Ministry of Defence  
26. Y.N. Sreeranaiah, C/M II ) Bangalore-560 006.
27. P.M. Sur, C/M II  
Inspectorate of Electronics,  
Ministry of Defence, New Delhi
28. V.K.S. Mudaliar, Supervisor,  
Controllarate of Inspection  
Radar (CIR), Ministry of Defence,  
Bangalore-560 006.

Respondents

29. G.P. Shanmugam, Supervisor,  
Controllerate of Inspection,  
Radar (CIR) Ministry of Defence,  
Bangalore-560 006.
30. K.R. Rajagopal, Supervisor,  
Controllerate of Inspection  
Power Systems (CIP),  
Min of Defence, Bangalore.
31. D.A. Muthappa, Supervisor,  
Inspectorate of Electronics,  
Ministry of Defence, Jabalpur.
32. G.R. Ramekar, Supervisor,  
Inspectorate of Electronics,  
Min of Defence, Jabalpur.
33. R. Balakrishna, Supervisor, § Controllerate of  
§ Inspection Systems
34. Akhilesh Kumar, Supervisor, § CIS Min of Defence,
35. N.R. Sen Gupta, Supervisor, § Secunderabad
36. Ibrahim Sharief, Supervisor,  
Controllerate of Inspection  
Electronics (CIL),  
Min of Defence, Bangalore-6,
37. H.S. Mruthyanjaya, Supervisor  
Controllerate of Inspection  
Power Systems (CIP),  
Min of Defence, Bangalore-6.
38. Altaf Khan, Supervisor, § Controllerate of  
§ Inspection Electro-
39. T. Prabhakar, Supervisor, § nics (CIL)  
§ Min of Defence,
40. R. Nagaratnam, Supervisor § Bangalore-6

Respondents

(Shri M.S. Padmarajaiah . Advocate)

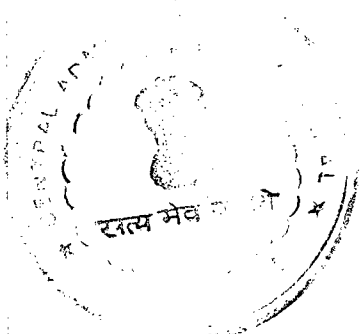
This application came up before this Tribunal for hearing today. Hon'ble Vice-Chairman made the following:

### ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 (the Act).

2. On 30.9.1968, the applicant joined service as View Grade D redesignated as Junior Examiner from 1.1.1973. On 25.10.1971 and 15.3.1975 the applicant was promoted as Examiner Grade II and Grade I respectively.

3. On 26.11.1975 the applicant was promoted as Technical



Supervisor Grade III (TSG III) under the Recruitment to Class III Non-gazetted (Technical, Scientific and other Non-Ministerial) posts in the Department of Defence Production (the Rules). On different dates that are not material to notice but decidedly after the applicant was promoted as TSG III, Respondents No. 4 to 40 were appointed as TSG III as direct recruits. The applicant claims that all of them were juniors to him and, therefore, they should have all been assigned lower ranks in the Seniority Lists in the cadre for the years 1983 and 1984. On this basis the applicant has challenged the said Seniority lists.

4. In justification of the rankings assigned to the applicant and Respondents 4 to 40 and others, Respondents 1 to 3 have filed their reply. Respondents 4 to 40, who have been duly served have remained absent and are unrepresented.

5. Shri A.C. Rajasekhar, learned counsel for the applicant contends that the ranks assigned to the applicant and respondents 4 to 40 in the seniority lists of 1983 and 1984, were in violation of the orders issued thereto by Government in particular those marked as Annexures C, D and H and the same calls for interference and issue of appropriate reliefs to the applicant.

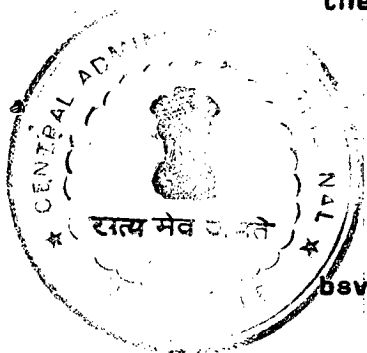
6. Shri M.S. Padmarajaiah, learned Senior Standing Counsel appearing for Respondents 1 to 3 refuting the contentions of Shri Rajasekhar, contends that the ranks assigned in the seniority lists of 1983 and 1984 are based on the seniority list prepared in 1977 as on 30.6.1977 which was in conformity with the law and so long as that list holds the field, the rankings assigned in the seniority lists of 1983 and 1984 cannot be interfered by this Tribunal on the bar of jurisdiction and limitation provided in Section 21 of the Act as held by this Tribunal in V.K. MEHRA V. SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING ATR 1986 CAT 203 and DR. (SMT) KSHAMA KAPUR V. UNION OF INDIA (1987) 4 ATC 329.

7. We have carefully perused the seniority list prepared in the years 1977 as on 30.6.1977 and the further seniority lists for the subsequent years of 1980, 1982, 1983 and 1984. We find that the seniority lists prepared in the year 1980 and onwards and in particular for the years 1983 and 1984 are really founded on the seniority list prepared in 1977 as on 30.6.1977.

8. The applicant has not challenged the seniority list prepared in 1977 as on 30.6.1977 or the subsequent seniority lists prepared in 1980 and 1982. The rankings assigned to the applicant and Respondents 4 to 40 and others are based on the earlier seniority lists in particular the one prepared as on 30.6.1977.

9. In Mehra's case and Dr. (Smt) Kshama Kapur's case this Tribunal had ruled the matters concluded prior to 1.11.1982, cannot be adjudicated by this Tribunal. We are of the view that on the ratio of these rulings the claims of the applicant which really arose prior to 1.11.1982 cannot be examined by this Tribunal. Both on grounds of bar of jurisdiction and limitation, this application is liable to be dismissed without examining the merits.

10. In the light of our above discussion we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-  
VICE CHAIRMAN  
16/1/1988  
TRUE COPY

Sd/-  
MEMBER (A) 19.1.88

DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE