

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

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. Kuppuswamy
Chargeman Grade II
Controllerate of Inspection Radar(CIR)
Ministry of Defence
Bangalore - 560 006

Respondents

7. Shri S. Jagadish
8. Shri M.P. Renukamurthy
9. Shri B.M. Miriyanna
(Sl Nos. 7 to 9 -

Chargeman 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 -

Chargeman Grade II
Inspectorate of Electronics
Ministry of Defence
Jabalpur (M.P.))

13. Smt Jyothi Chadrashakaran
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 Chandras
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. Hayagreesa Rao

27. Smt K. Rathnamma

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 -
Supervisor
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. Ramekar
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.

B.A. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

dc

RECEIVED *+3 copies 9/2/88*

Diary No. *16911/CR/88*

Date: *1-2-88*

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. Gopalekrishna,
Supervisor Tech,
serving in Controllerate 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,
Controllerate of Inspection Electronics (CIL),
Ministry of Defence, Govt. of India,
JC Nagar PO, Bangalore-560 006.
4. T. Kuppuswamy
5. S. Jagadish
6. M.P. Renukamurthy
7. K.R. Gururaja
8. B.M. Hiriyanna
All Chargeman II,
Controllerate 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 Chandrashekaran, 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. Roshidduddin, 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
Ministry of Defence
Bangalore-560 006.
16. P.A. Belliayappa, C/M II)
17. K. Ramesh, C/M II)
18. K.K. Meddappa, C/M II
Controllerate 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. Pennindra, C/M II)
24. Y.B. Hayagreeva Rao, C/M II) CIL
Ministry of Defence
Bangalore-560 006.
25. Smt. K. Rathnamma, C/M II)
26. Y.N. Sreeranaiah, C/M II)
27. P.M. Sur, C/M II
Inspectorate of Electronics,
Ministry of Defence, New Delhi
28. V.K.S. Mudaliar, Supervisor,
Controllerate 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 hold 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

TRUE COPY

Sd/-

MEMBER (A)

14.1.88

Rajendra Singh
DEPUTY SECRETARY (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE