

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Com. X,
Indiranagar,
BANGALORE- 560 001

Dated: 26 SEP 1994

APPLICATION NO: 744/94 and 233 to 237 of 1994

APPLICANTS:-

Sri.K.R.Sampath Kumar and Five Others.
V/S.

RESPONDENTS:- Secretary, Ministry of Defence, N Delhi and Others.

To

1.

Sri.M.Narayanaswamy, Advocate,
No.844, Upstairs, Fifth Block,
Rajajinagar, Bangalore-560 010.

2.

Sri.M.Vasudeva Rao,
Addl.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-560001.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 14-09-94.

Issued on

26/9/94
P.

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.
26/9/94
S. S. Shashikumar

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO. 744/93 & 233 TO 237/94

WEDNESDAY THIS THE FOURTEENTH DAY OF SEPTEMBER 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V. Ramanan ... Member (A)

1. K.R. Sampath Kumar,
S/o K. Raghavan,
aged 42 years,
Chargeman-II,
Aeronautical Development Estt.,
C.V.Raman Nagar,
Bangalore-53.
2. Ramji Sharma,
S/o Baljore Sharma,
aged 49 years,
Asst. Foreman,
Aeronautical Development Estt.,
C.V.Raman Nagar,
Bangalore-53.
3. N.R. Pawar,
S/o B.R. Pawar,
Aged about 51 years,
Chargeman-I,
Aeronautical Development Estt.,
C.V.Raman Nagar,
Bangalore-53.
4. Marigangaiah,
S/o late Narasimhaiah,
aged 45 years,
Draughtsman II,
Aeronautical Development Estt.,
C.V.Raman Nagar,
Bangalore-53.
5. V.L. Joshi,
S/o L.M. Joshi,
Aged 46 years,
Draughtsman-I,
Aeronautical Development Estt.,
C.V.Raman Nagar,
Bangalore-53.
6. Ravi Kumar,
S/o P. Ramaiah,
aged 41 years,
T'Man-'A', T.No.345,
Aeronautical Development Estt.,
C.V.Raman Nagar,
Bangalore-53.

... Applicants

[By Advocate Shri M. Narayanaswamy]



v.

1. The Union of India rep.
by its Secretary to Govt.,
Ministry of Defence,
South Block,
New Delhi-11.
2. The SCientific Advisor to
Raksha Mantri and
Director General R&D,
Ministry of Defence,
New Delhi.-11.
3. The Director,
Aeronautical Development Estt.,
C.V.Raman Nagar,
Bangalore-53. Respondents

[By Advocate Shri M. Vasudeva Rao ...
Addl. Standing Counsel for Central Government]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. We have heard both sides in this bunch of applications wherein there is a direct challenge to some rules on the basis of which it would appear that the officer class of employees working in the ADE, DRDO and other allied institutions were widely scattered and made part of 44 groups in relation to which the applicants complaint that whatever little chances they had for upgradation in the cadre by way of promotion and any improvement in the career prospects had since been totally blighted and what is more all this had been done to their detriment without as much as giving them any notice as to what was in the offing, calling for their representation in that behalf. Mainly the complaint appears to be that the seniority in the new dispensation has so badly affected them, most of them will have to stay put without any further

promotional opportunities to which they were all the while looking forward when they were under the previous dispensation.

2. While we do think that the grievances fostered by the applicants in this behalf appear to be quite genuine but we are not quite sure whether the affecting of their chances of promotion if done properly under the cannons of the law may not treated as a piece of invalid legislation. This is an aspect into which we do not want to go into at this juncture since we are told that soon after the new dispensation into 44 groups came into vogue some of the applicants, Shri Narayanaswamy, for the applicants, tells us that even their association, had made representations complaining bitterly about stretching and slicing them into 44 different groups. We are told that the department has not so far either said aye or naye to the representations and they were still pending in a state of hybernation. This is something which we cannot countenance and sincerely regret. When a Government servant makes a representation with regard to some grievance the department should look into and dispose it off. We think the department cannot simply remain aloof and lie in a moribund state.

3. Therefore, it is we think it proper to direct the department to dispose of the pending representations made by the applicants and others in connection with the new dispensation vide Annexure B dated 10.6.1992 and dispose of those representations as

objectively as possible. We also grant leave to the applicants to make further representations, if they so desire, raising additional grounds posing further challenges to Annexure B. But that should be done within one month from the date of this order and thereafter the department to dispose of the supplementary representations as also the original representations said to be already pending, within three months thereafter. With these observations all these applications stand disposed of without any order as to costs.

Sd/-
[Signature]

MEMBER [A]

Sd/-
[Signature]

VICE-CHAIRMAN

bsv



TRUE COPY

R. Shrivastava
Section Officer 26/9
Central Administrative Tribunal
Bangalore Bench
Bangalore