

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Contempt Petition No. 1 to 11 / 1995

Dated: **4 APR 1995**

IN

APPLICATION NO. 128, 179, 183, 185 to 192 of 1993.

APPLICANTS: **Sri. S.K. Sreenivasan and Ten Others.**

V/S.

RESPONDENTS: **Br. R. Krishnan, Director, GTRE, Bangalore and two others.,**

To

1. **Sri. P.T. Sreenivasa Reddy, Advocate,
No. 112, Upstairs, Cubbonpet Main Road,
Bangalore-560 002.**
2. **Sri. M. Vasudeva Rao, Additional Central
Govt. Standing Counsel, High Court Bldg,
Bangalore-560 001.**

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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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 27th March, 1995.

Issued on
5/4/95

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

CONTEMPT APPLICATION NO. 1 TO 11 / 1995

IN

ORIGINAL APPLICATION NO. 128, 179, 183, 185 TO 192/93

MONDAY, THE 27TH DAY OF MARCH, 1995

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

1. Shri S.K. Sreenivasan,
aged 56 years,
3111, 6th Main, Indiranagar,
HAL II Stage, Bangalore-38.
2. Shri K.S. Sundar Rajan,
aged 48 years,
C-1-13 DRDO Complex,
C.V. Raman Nagar,
Bangalore-93.
3. Shri B. Sivaprakasham,
aged 53 years,
720 Kariyanapalya Extension,
Near Singh Engineering Works,
Bangalore - 84.
4. Shri M.D. Saifulla Khan,
aged 56 years,
Foreman, Gas Turbine Research
Establishment, Bangalore.
5. Shri E. Jayapalan,
aged 52 years,
72 Brindavan Labourt,
Vijanapura K.R. Puram Hobli,
Bangalore-16.
6. Shri C.T. John,
aged 59 years,
294/ 6th Main,
Further Exten.
Vivekanagar,
Bangalore-47.
7. Shri K. Chandran,
52 years,
B. Munianjappa Block,
Near Thippasandra,
JB Nagar Post,
Bangalore-75.



8. Shri M.A. Dass,
59 years,
C-4-5 DRDO Complex,
C.V. Ramannagar,
Bangalore-93.
9. Shri G.M. Zaiauddin,
93/5 6th Cross Chelvadipalya,
Bangalore-93.
10. Shri D.S. Suryanarayana,
aged 45 years,
77 Brindavan Layout,
Vijanapura K.R. Pura Hobli,
Bangalore - 16.
11. Shri B. Mahadevappa,
56 years,
C-11-10 DRDO Complex,
C.V. Ramannagar,
Bangalore-93.

... Complainants

(By Advocate Shri P.T. Sreenivasa Reddy)

Vs.

1. Dr. R. Krishnan,
Director,
Gas Turbine Research
Establishment,
C.V. Raman Nagar,
Defence Research & Development
Organisation, Bangalore-93.
2. Dr. K.G. Narayanan,
Director,
Aeronautical Development
Establishment,
D.R.D.O., Bangalore-93.
3. Dr. A.P.J. Abdul Kalam,
Scientific Adviser to Sena
Mantralaya & Director General &
Secretary to Government,
Ministry of Defence,
Government of India,
New Delhi - 11.

... Respondents

(By Addl. Central Govt. Standing Counsel,
Shri M.V. Rao)

...3/-

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ORDER

Shri V. Ramakrishnan, Member (A)

We have heard Shri M.V. Rao for the department who files an objection statement for the alleged contemnors and also an affidavit to the effect that the directions of the Tribunal in OA 128/93 and 179 to 202/93 have been fully complied with. Shri Rao submits that the direction of the Tribunal was that a seniority list may be prepared for promotion to the level of Chargeman Gr.I and above in respect of vacancies which arose prior to 28.1.92 and which will be available after 12.9.81 to Precision Mechanics in the scale of Rs. 425 - 700 with 3 years service. This direction was to be complied with within 5 months from the date of that order. Due to administrative difficulties this could not be complied with within 5 months and the department prayed for extension of time which was granted and within the extended time they have prepared the seniority list as directed by the Tribunal. In view of the position brought out by the standing counsel, the contempt petition does not survive and accordingly the contempt proceedings are dropped and the alleged contemnors are discharged. If the complainants are still aggrieved with the revised seniority list, they are at liberty to take appropriate steps as per law.

(A.N. BHATTANARADHYA)

(V. RAMAKRISHNAN)
MEMBER (A)



TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTYSEVENTH DAY OF AUGUST, 1993

Present: Hon'ble Shri S. Gurusankaran, Member(A)

Hon'ble Shri A.N. Vujjanaredhya, Member(J)

APPLICATION NO. 128/1993 and

Nos. 179 to 202/1993

1. Shri S.K. Sreenivasan
Aged 55 years
3111, HAL, 2nd Stage, 6th Main
Indiranagar, Bangalore-560 038. 128
2. Shri K.S. Sundar Rajen
Aged 47 years
C-1-13, DRDO Complex
C.V. Raman Nagar, Bangalore-560 093. 179
3. Shri G. Perumal
Aged 47 years
240, 4th Main
West of Chord Road
Bangalore-560 033. 186
4. Shri A.K. Mukherjee
Aged 69 years
1158, Kammanahalli Main Road
R.S. Palya, M.S. Nagar
Bangalore-560 033
5. Shri G. Asservadam
Aged 54 years
2, Srinivasa Layout
L.R. puram, Bangalore.
6. Shri B. Sivaprekasam
Aged 52 years
720, Kariyapalya Extension
Near Singh Engineering Works
Bangalore-560 084.
7. Shri K. Vemmanachari
Aged 59 years
188, Krishnaiah Palya
NGEF Back, Bangalore-560 038.
8. Shri M.D. Saifulla Khan
Aged 55 years
Foreman, Gas Turbine Research Estt.
Bangalore.
9. Shri E. Jayapalan
Aged 51 years
72, Brindavan Layout
Vijinapura, K.R. Puram, Hobli
Bangalore-560 016.
10. Shri C.T. John
Aged 58 years
294/A, 6th Main, Further Extn.,
Viveknagar Extension, Bangalore-560 047.

....2/-



11. Shri K. Chandran
Aged 51 years
8, Munianjinappa Block
Near Thippasandra
J.B. Nagar Post
Bangalore-560 075.
12. Shri M.A. Dass
Aged 58 years
C-4-5, DRDO Complex
C.V. Raman Nagar
Bangalore-560 093.
13. Shri G.M. Ziauddin
93/5, 6th Cross Chalvadipalya
Bangalore-560 053
14. Shri D.S. Suryanarayana
Aged 44 years
77, Brindavan Layout
Vijinapura, K.R. Pura, Hobli
Bangalore-560 016.
15. Shri B. Mahadevappa
Aged 55 years
C-11-10, DRDO Complex
C.V. Ramannagar
Bangalore-560 093.
16. Shri V. Radhakrishnan
Aged 56 years
C-4-1, DRDO Complex
C.V. Raman Nagar
Bangalore-560 093.
17. Shri M. Naganna
Aged 55 years
88, 3rd Main
Ramachandrapuram
Near Sujatha Theatre
Bangalore-560 021.
18. Shri H. Anjanappa
Aged 55 years
604, 10th A Main, 3rd Stage
4th Block, Basaveswaranagar
Bangalore-560 079.
19. Shri P.K. Raju
Aged 57 years
696, BDA Quarters B Type
7th Cross, Domlur, Bangalore-560 071.
20. Shri R. Vaidyanathan
Aged 56 years
S/o. Sri V. Ramanatha Sharma
4164, 18th Cross, B Block
Subramanyanagar, Bangalore-560 021.
21. Shri T. Ranganath
Aged 59 years
110, NHCS Layout, Basaveswaranagar
Bangalore - 560 079

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22. SHRI B.S. Sathyenarayana Rao

Aged 58 years

199/54, Link Road

Seshadripuram

Bangalore-560 020

23. Shri Ramji Sharma

Aged 49 years

C-8-4-DRDO Complex

C.V. Raman Nagar, Bangalore-560 003.

24. Sri MIR FIYAYZALI QURESHI

Aged 49 years

Asst. Foreman

Aeronautical Development Estt.

C.V. Raman Nagar, Bangalore-560 093.

..... Applicants

(Dr. M.S. Nagaraja, Advocate)

Vs.

1. Union of India

Represented by Secretary
to Govt. Ministry of Defence
(Research & Development)
Sena Bhavan, New Delhi.

2. The Scientific Adviser to
Raksha Mantri and Director General
Research and Development
Directorate of Personnel
Ministry of Defence, Sena Bhavan
West Block, New Delhi.

3. The Director
Gas Turbine Research Institute
Research and Development Organisation
Ministry of Defence, P.B. No.9302
Bangalore-560 093.

4. The Director
Aeronautical Development Estt.
Research & Development Organisation
C.V. Raman Nagar
Bangalore-560 093.

5. Shri Mukundan Kamath (Foreman)
Gas Turbine Research Institute
Research & Development Organisation
Ministry of Defence, P.B. No.9302
Bangalore-560 093.

6. Shri N.S. Kadri (Foreman)
Gas Turbine Research Institute
Research & Development Organisation
Ministry of Defence, P.B. No.9302
Bangalore-560 093.

..... Respondents

(Shri M.V. Rao, Advocate)

This application having come up for hearing before
the Tribunal today, Hon'ble Shri S. Gurusankaran, Member(A)
made the following:



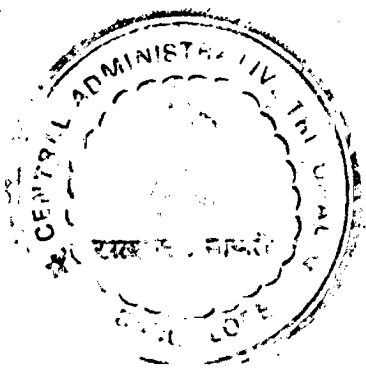
O R D E R

In this application filed by 24 applicants, who are working in various establishments of the DRDO, are aggrieved by the fact that they have been denied promotion to the higher grades consequent on their being placed in the grade of Rs 425-700 with restrospective effect from 1.3.1977 and they have prayed for directing the respondents 1 to 4 to convene a review DPC and to consider the case of the applicants for promotion to the cadres according to the recruitment rules and to grant all consequential benefits, including arrears of pay.

2. On the filing of the application, notice was issued to the respondents and they have acknowledged the same.

Shri M. V. Rao has filed his memo of appearance but the respondents have not filed any reply.

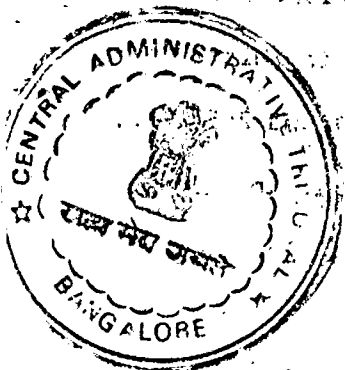
3. Today when the case came up for hearing it was submitted by Dr. M.S. Nagaraja, appearing for the applicants that an exactly identical case involving some other staff of the Gas Turbine Research Establishment in which some of the present applicants are also working has been allowed in O.A. 245/1992 disposed off by a Bench of this Tribunal vide order dated 13.7.1993. He further pointed out that, that application was allowed following the judgement in O.A.600/1991 disposed off on 6.4.1993 relating to Aeronautical Development Establishment which is also one of the organisations under the DRDO. Dr. Nagaraja further pointed out that the facts in this case are exactly identical with those in O.A.600/1991 and 245/1992. Shri M.V. Rao, appearing for the respondents, while in all fairness admits that the facts of the case are the same,



strongly argued against the relief being granted prayed for by the applicants.

4. Having heard the counsel for both the parties, we find that the facts of this case are not in dispute and they are exactly identical with those of O.A. 600/1991 and 245/1992. We also find that the respondents have not been able to put forth any view points so as to necessitate any reconsideration of the decision already arrived at in the above applications. It is further seen that all these applicants belonging to various DRDO establishments at Bangalore are in one seniority list as far as these promotions prayed for by them are concerned. Hence judicial propriety demands that seniority being the same and conditions are exactly identical, we are bound to follow the judgement already given by a co-ordinate Bench of this Tribunal.

5. In the result, we allow this application and pass an order directing preparation of a seniority list on the basis of rational and objective principles for promotion to the level of **Gr.I** Chargeman/and above in respect of vacancies, which arose prior to 28.1.1992 and which will be available after 12.9.1981 to Precision Mechanics in the scale of Rs 425-700 with 3 years service. This direction is to be complied within 5 months from the date of this order. Regarding the payment of arrears and allowances consequent to the promotions of the applicants to the various grades after preparation of the common seniority list on rational and objective principles, it is directed that they will be eligible for the same with effect from 28.1.1990, i.e., 3 years



prior to the date of filing of this application. However, it is clarified that the applicants' pay should be fixed in the relevant grades applicable at the time on proforma basis from the respective dates of their promotions and their pay fixed in subsequent grades taking the notional service they would have put in different grades. Only the actual arrears of pay shall be restricted to 3 years as mentioned above. The applicants will not be entitled to any other reliefs prayed for in this application and accordingly the applications are disposed off with no order as to costs.

Sd-

Sd-

(A.N. VUJANARADHYA)
MEMBER(J)

(S. G. RUSANKARAN)
MEMBER(A)



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

[Signature]
15/12/94