

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~SENIOR PELLA~~ HYDERABADO.A. No. 393 of 1987 198
T.A. No.

DATE OF DECISION 20.7.1987

K. K. Venkat Ramana Reddy and Petitioner
three others.

Mr. Nayani Krishna Murthy. Advocate for the Petitioner(s)

Versus

Chairman, IV Level JCM, Hn. Respondent
Eastern Naval Command, Visakhapatnam
and two others.Sri. Jagannath Rao rept. by Sri. Advocate for the Respondent(s)
G. Parmeshwar Rao, Advocate.

CORAM :

The Hon'ble Mr. B. N. Jayasimha, V.C., CAT, Hyderabad.

The Hon'ble Mr. D. Surya Rao, Member (J), CAT, Hyderabad.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

BNJ
(BNJ)
VC

OSR
(OSR)
M(J)

Original Application No. 393 of 1987

This application is filed by four applicants who were working as Store-checkers and Identifiers in the Naval Armament Depot, Visakhapatnam. They state that they were originally recruited as Unskilled Labourers in the Naval Armament Depot and after passing the requisite test, they have been working as Store Checkers and Identifiers from 1977, 1979, 1983 and 1983 respectively. It is stated that these posts were attached to the Time Keeping Section of the Naval Armament Depot. Their complaint is that the Department is now seeking to send them back as Armament Store Labourers which involves the work of loading and unloading in the ships, wagons and workshops etc. The work of the Store Checkers and Identifiers, on the other hand, is clerical in nature and it is confined to only Time Keeping Section. The applicants state that since they have become entitled to hold the posts of Store Checkers and Identifiers in the Time Keeping Section on their having passed the requisite test, they have a right to continue in the said posts till they become entitled to promotion as Assistant Store Keepers. It is further stated that the posts of

Store Checkers and Identifiers will be abolished and the Time Keeping Section will be manned only by Junior Time Keepers and Senior Time Keepers. It is contended that any move to abolish the posts of Store Checkers and Identifiers will deprive the applicants of their right to the said posts. The applicants, therefore, filed this application questioning their transfer and praying for protecting their rights to the posts of Store Checkers and Identifiers in the Time Keeping Section.

2. On behalf of the respondents, a counter has been filed stating that Five posts of Store Checkers and Identifiers have been sanctioned in the Naval Armament Visakhapatnam Depot by the Government of India vide their Letter No.CS/4065/I/NHO/4907/D(N-II) dated 18.9.1976. This is an industrial post and has promotional avenue to the post of Assistant Store Keeper. It is stated that the applicants who were holding the posts of Store Checkers and Identifiers were being utilised in the Time Keeping Section along with Senior Time Keepers due to dearth of industrial staff. This is only an internal and temporary arrangement. Since sufficient ministerial staff ^{are} available, the applicants had to be repatriated to their original place of work i.e.

Stores Section. Accordingly by a Memo dated 12.6.1987 the applicants were transferred to the Stores Section. It is denied that the posts of Store Checkers and Identifiers pertain to the Time Keeping Section. Therefore, the applicants cannot claim to continue to remain permanently in the Time Keeping Section.

3. We have heard the learned counsel for the Sri. N. Krishnamurthy applicants and Sri. G. Parmeshwar Rao, advocate representing Sri. Jagannath Rao, learned Standing Counsel for the Central Government. It was contended by Sri. G. Parmeshwar Rao ~~Learned Counsel for the applicant~~ that the posts of Store Checkers and Identifiers were part of the Time Keeping Section and never a part of the Stores Section and that they cannot be transferred to the Stores Section. The respondents have ~~also~~ placed before us the order of Ministry of Defence dated 18th September 1976 wherein sanction has been accorded for creation ^{The of} among others five posts of Store Checkers and Identifiers. It is shown under the category 'Store House Staff'. Sri. Parmeshwar Rao also stated that the applicants will continue to do the work as Store Checkers and Identifiers on their transfer to the Stores Section and there is no change either in their emoluments or nature of work. They will continue to do the

same work of Store Checkers and Identifiers as per the duties prescribed. The learned counsel for the respondents states that there are well defined and clear duties prescribed for the Store Checkers and Identifiers and they will be asked to do that work and nothing else.

4. The applicants have not made out that they have a right to continue in the Time Keeping Section and they cannot be transferred to the Stores Section. In the circumstances, we find that there are no grounds to interfere with the impugned order and the application is, therefore, dismissed. There will be no order as to costs.

Dictated in the open court.

B.N.Jayashimha
(B. N. Jayasimha)
Vice Chairman

D.Surya Rao
(D. Surya Rao)
Member (H)

Dated this the 20th day of July 1987

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mdj*