

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

(13)

O.A. No. 626 of 1987

Date of Decision 29.8.1990

~~Ex. No.~~

Mrs. T.S. Lakshmi

Petitioner.

Mr. P.S.N. Murthy,

Advocate for the
petitioner (s)

Versus

The Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam and 13 others Respondent.

Mr. Naram Bhaskar Rao, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. B.N. Jayasimha, Vice Chairman

THE HON'BLE MR. D. Surya Rao, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgement? *m*
2. To be referred to the Reporter or not? *m*
3. Whether their Lordships wish to see the fair copy of the Judgment? *m*
4. Whether it needs to be circulated to other Benches of the Tribunal? *m*
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

O.A.No. 626 of 1987

Dt.of Decision: 29-8-1990

Between:-

T.S.Lakshmi

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Applicant

and

1. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam-14.

2. S.Appa Rao
3. G.Vahini
4. Ch.Narayana Murthy
5. Ch.Gangaramayya
6. Smt.S.Indira Kumari
7. I.Yerakayya
8. P.Madhava Rao
9. V.S.S.Srinivas
10. P.Veerabhadra Raju
11. E.Anthony
12. C.A.N.Pillai
13. K.Sivaprasad
14. S.Sarveswara Rao

(Respondents 2 to 14 are impleaded as party respondents vide Tribunal Order dt.4-11-87 in M.A.431 of 1987)

APPEARANCE:

Counsel for the Applicant : Shri P.S.N.Murthy

Counsel for the Respondent

No.1 : Shri Naram Bhaskar Rao,
Additional C.G.S.C.

Counsel for the Respondents : Neither they appeared in person
2 to 14 : nor were represented by their
Counsel.

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER(JUDICIAL).

(JUDGEMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE)
SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

1. The applicant is aggrieved by the Order issued by the Flag Officer Commanding-in-Chief, Eastern Naval Command,

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Visakhapatnam-530014, in Memo No.CE/0763/SG, dt.7th January 1987 by which the representation of the applicant requesting for her conversion as Stenographer w.e.f.1st January 1973, was rejected.

2. The applicant is a Stenographer Gr.III in INS Satavahana, Visakhapatnam. Her service particulars are as follows:-

- i) 27-5-1969 : Appointed as an L.D.C.
- ii) 1-3-1973 : Promoted as Casual Steno-Typist on qualifying in the stenography test.
- iii) 1-10-1974 : Reverted as L.D.C. on the basis of 3rd Pay Commission's recommendation abolishing the posts of Steno-Typists.

The applicant contends that her reversion as L.D.C. is not correct for the reasons: (a) the Government orders on the subject of conversion of Steno-Typists as Stenographers was issued in August 1975 vide Ministry of Defence letter No.2(13)/74/D(Civ-I), dt.8-8-1975. This was followed by a corrigendum dt.1-4-1976 and 1-8-1976. These letters authorise conversion of all existing Steno-typists into Stenographers provided they had passed a qualifying test at the time of initial appointment. She was reverted even before these orders were issued; (b) One Mohd.Younus, who had appeared for the departmental test alongwith the applicant for appointment as Stenographer, was given anti-dated seniority and he was not reverted. Thus, there was discrimination.

3. The applicant made representations, but they were rejected on the ground that as per Government orders, individuals shown in the post of Steno-Typist on 1-1-1973 are alone eligible for conversion as Stenographers. The

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applicant contends that none of the incumbents, whose seniority was reckoned from varying dates, was holding the post of Steno-Typist as on 1-1-1973, and yet their seniority was counted from the date of appointment as casual Steno-Typist contrary to the letter of Eastern Naval Command, Headquarters, No.CE/0762/SG, dt.7-1-1987. Hence she has filed this application and seeks a direction that she should also be promoted to the post of Stenographer Gr.II from the date her juniors namely Ch.Narayanamurthy and I.Yerakayya were promoted as Stenographer Gr.II and Smt.S.Indira Kumari, promoted as Selection Grade Stenographer.

4. On behalf of Respondent No.1 a counter has been filed. It is contended that the application is barred by limitation under section 21 of the Administrative Tribunals Act. The applicant was permitted to continue as casual Steno-Typist with intermittent breaks of 2 to 3 days after completion of every 89 days. At the time of appointment as casual Steno-Typist, it was made clear that her services were liable to be terminated without notice and she would not be entitled for any notice of pay or leave. Consequent to the instructions received from the Naval Headquarters that future recruitment of Steno-Typists even on casual basis should be dispensed with and the existing Steno-Typists, who are able to pass a qualifying test, should be placed in appropriate pay scale in replacement of the existing scale. It became necessary to abolish the posts of Steno-Typists in the organisation. Hence the services of the existing casual Steno-Typists were dispensed with and terminated. The applicant was allowed to continue till the expiry of the then existing casual sanction for the posts of Steno-Typist and later reverted to the

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original post of temporary L.D.C. with effect from 1-10-1974. This was inevitable. The Ministry of Defence O.M.No.2(13)/74/D(Civ.I), dated 8/12-8-1975 lays down that all existing posts of L.D.C. with a special pay of Rs.20/- for stenography work were to be converted into those of Stenographer Gr.III in the revised scale of Rs.330--560 w.e.f. 1-1-1973. It also laid down that the existing Steno-Typists, who have already passed the qualifying test of Stenography, may be appointed to the converted posts of Stenographers, Gr.III. As the casual Steno-Typists were all ceased to be existing consequent upon their reversion w.e.f. 1-10-1974, no casual Steno-Typists were appointed between the period 10-10-1974 to 12-8-1975 and there were only regular Steno-Typists left over. Accordingly the regular Steno-Typists were alone converted to the post of Stenographer, Gr.III.

5. In regard to Mohd.Younus, he was holding the post of Steno-Typist on casual basis as on 1-1-1973 and he was regularised on 1-3-1973. Hence he was eligible for conversion as Stenographer, Gr.III. A stenography test was conducted by the Department in the year 1978 and the applicant was appointed as Stenographer Gr.III on 14-2-1978 and her seniority was accordingly fixed and published in letter No.CE/0762/SG, dated 6-5-1978, which was circulated to her. The applicant did not submit any discrepancies in respect of the particulars mentioned against her name in the said seniority list. She is questioning the seniority now after a lapse of 10 years. With these reasons the respondents oppose the application.

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To

1. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam-14.
2. One copy to Mr.P.S.N.Murty, Advocate
38-22-520/3, Sivanagar, visakhapatnam-18.
3. One copy to Mr.N.Bhaskara Rao, Addl.CGSC. CAT.Hyd Bench.
4. One spare copy.

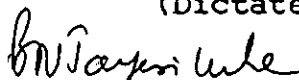
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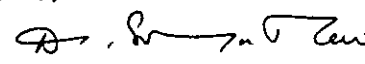
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6. We have heard Shri P.S.N.Murthy, learned Counsel for the applicant on an earlier date of hearing . We have heard Shri Naram Bhaskar Rao, learned Additional Central Govt.Standing Counsel, on behalf of the Respondents, today.

7. On a careful consideration of the facts as disclosed in the averments and in the counter of the respondents, it is clear that the applicant did not question her reversion from the post of Steno-Typist to L.D.C. or her re-promotion as Stenographer Gr.III in 1978 or the assigning seniority to her consequent to her re-promotion in the year 1978. We are of the view that in the case where any employee seeks to question the seniority, belated applications cannot be entertained. We do not also find any merit in the contention of the applicant that the Naval Headquarters had acted hastily without waiting for the detailed instructions from the Ministry of Defence. The applicant's claim that she is entitled to the benefit of Ministry of Defence O.M.No.2(13)/74/D(Civ.I), dated 8.8.1975 is also without any merit, as the applicant was not holding a post of Steno-Typist on regular basis as on 1-1-1973. We also do not find any merit in the contention of the applicant that she has been discriminated vis-a-vis Mohd.Younus. Mohd.Younus was holding the regular post of Steno-Typist on 1-1-1973. In view of this, we find that the applicant has not made out ^acase on merits and the application is accordingly dismissed. There will be no order as to costs.

(Dictated in Open Court)


(B.N.JAYASIMHA)
VICE - CHAIRMAN


(D.SURYA RAO)
MEMBER (JUDICIAL)

Date: 29th Aug., 1990


Deputy Registrar (Judl)