

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 202/87.

Date of Decision : 3-4-92

~~T.A.No.~~

M.Veeranna

Petitioner.

Shri S.L.Chennakesava Rao

Advocate for the  
petitioner (s)

Versus

Union of India, through Secy., to Govt., of India,  
Min. of Water Resources, Shramashakthi Bhavan,  
New Delhi & 27 others. Respondent.

Shri N.R.Devaraj, Addl. CGSC

Advocate for the  
Respondent (s)


CORAM:

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. C.J.Roy : Member(J)

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

  
HRBS  
M(A).

  
HCJR  
M(J).

(123)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.202/87.

Date of Judgment 3-4-1992

M.Veeranna

.. Applicant

Vs.

1. Union of India, through  
Secy., to Govt., of India,  
Min. of Water Resources,  
Shramashakthi Bhavan,  
New Delhi.
2. Chairman,  
Central Ground Water Board,  
Krishi Bhavan,  
New Delhi.
3. Chief Hydrogeologist & Member,  
Central Ground Water Board,  
Jamnagar House,  
Mansingh Road,  
New Delhi.
4. M.Sankaran
5. S.A.H.Jaffery
6. S.K.Joshi
7. D.P.Mathuria
8. M.C.Jindal.
9. V.Jagannathan
10. B.K.Singh
11. S.N.Dulloo
12. P.R.Subramanian
13. S.J.Prasad
14. V.M.Sikka
15. A.K.Mishra
16. O.P.Pal
17. N.Malaviya
18. K.K.Jati
19. C.R.K.Reddy
20. K.N.Murthy
21. R.N.Sharma
22. P.Lakshminarayana
23. Ram Pratap
24. M.B.Raju
25. E.R.J.Rao
26. S.C.Tiwari
27. G.P.Dalal
28. E.Ravindranath .. Respondents

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Counsel for the Applicant : Shri S.L.Chennakesava Rao

Counsel for the Respondents : Shri N.R.Devaraj, Addl. CGSC

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgment as per Hon'ble Shri R.Balasubramanian, Member(A).

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This application has been filed by Shri M.Veeranna  
under section 19 of the Administrative Tribunals Act, 1985

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against the Union of India, through Secy., to Govt., of India, Min. of Water Resources, Shramashakthi Bhavan, New Delhi & 27 others. Respondents 4 to 28 are private respondents. The prayer (duly amended) is to direct the official respondents to confirm the services of the applicant in the cadre of Assistant Hydrogeologists w.e.f. 15.1.72 and in the cadre of Junior Hydrogeologists (next higher cadre) at the appropriate time against the appropriate roster point in accordance with the Rules of Reservation and revise the seniority lists in both the categories appropriately giving proper place to the applicant therein. He also seeks further direction to the respondents to consider his case for promotion to the cadre of Junior Hydrogeologist during the year 1973 itself and Senior Hydrogeologist w.e.f. a date prior to 11.3.85 when a junior was promoted. He also seeks all consequential benefits.

2. The applicant was directly recruited as an Assistant Hydrogeologist in the Central Ground Water Board on selection by the Union Public Service Commission in the year 1970. In due course he became eligible for promotion as Junior Hydrogeologist (Class I post). The selection was made with the association of the Union Public Service Commission. In the merit list prepared by the Union Public Service Commission the applicant occupied the 10th position out of nearly 80 candidates. While so, one Shri V.M.Sikka, Junior Hydrogeologist filed C.W.P.No.3392/81 in the High Court of Punjab & Haryana for quashing the then existing seniority list in the cadre of Junior Hydrogeologist and for a declaration that he is senior to Respondents No.4 to 61 therein. The W.P. was allowed by the High Court on 1.8.85 quashing the then seniority list of the Junior Hydrogeologists with a direction to prepare fresh seniority list within six months from that date applying the old rules notified on 15.2.72. Purporting to act under the said direction the present impugned seniority list was communicated. The applicant filed his objections to that list on 16.1.87 and it is alleged that the respondents have without application of mind and without considering the the question raised in the representation rejected the

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representation by their order dt. 20.2.87. It is against this that the applicant has approached this Tribunal with the above O.A.

3. The respondents have filed a counter affidavit and oppose the application. It is stated that prior to 6.7.74 the promotion from Assistant Hydrogeologist (Group 'B') to Junior Hydrogeologist (Group 'A') was 100% by promotion. The rules were amended and from 6.7.74 the promotion from Assistant Hydrogeologist to Junior Hydrogeologist was 80% direct recruitment and 20% by promotion. For the vacancies of 1973 they held a D.P.C. and they applied the new rule. This was challenged in the Punjab & Haryana High Court which directed that the rule in vogue corresponding to the vacancies should be applied. Hence they conducted a review D.P.C. and circulated the gradation list in the cadre of Junior Hydrogeologists. The objections raised by the applicant have since been suitably replied to.

4. We have examined the case. <sup>At the time</sup> ~~On the point~~ of hearing, the learned counsel for the applicant chose not to argue but was content with the written arguments. Hence we ~~have only~~ heard Shri N.R.Devaraj, learned counsel for the respondents <sup>only</sup>. The applicant has asked for a number of prayers like his being confirmed as Assistant Hydrogeologist w.e.f. 15.1.72, confirmation in the cadre of Junior Hydrogeologist at the appropriate time and appropriate roster point etc. He is not specific about any particular date or point of time. Moreover, most of these prayers would be hit by limitation and also they lie outside our jurisdiction being prior to 1.11.82. What, however, would survive the test of limitation/jurisdiction is the judgment dt. 1.8.85 of the Punjab & Haryana High Court in C.W.P.No.3392/81 referred to in the application and the direct consequences flowing therefrom. The Punjab & Haryana High Court quashed the seniority list prepared by the respondents at that time and further directed the Department

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to prepare a fresh seniority list of Junior Hydrogeologists within six months from that date applying the old rules notified on 15.2.72. We have seen the notification dt. 15.2.72 according to which the posts of Junior Hydrogeologists should be filled up by promotion failing which by direct recruitment. We have, therefore, only to see whether the respondents have taken action on the lines of the direction given by the Punjab & Haryana High Court. The respondents had submitted before us their records for our scrutiny. We find from a letter No.22-9/81-G/Vol.II dt. 15.9.86 of the Min. of Water Resources addressed to the Chief Hydrogeologist, Central Ground Water Board, Jamnagar House, New Delhi that as a follow-up action to the judgment dt. 1.8.86 of the Punjab & Haryana High Court the D.P.C. reviewed the proceedings of the original D.P.C. held in February, 1976. After having examined the eligible officers the review D.P.C. had recommended a panel for officiating promotion for the posts of Junior Hydrogeologists and we have seen the list of 31 names contained in that letter which the review D.P.C. had recommended keeping in view the judgment of the Punjab & Haryana High Court. It is based on this the respondents claim to have issued the provisional seniority list under cover of their letter dt. 5.1.87. Against this letter of 5.1.87 the applicant represented on 16.1.87. We have seen this representation. In this representation the applicant does not point out how the respondents had not followed the judgment of the Punjab & Haryana High Court. On the other hand, he more or less repeats how he should have been confirmed as Assistant Hydrogeologist on 15.1.72 and how he should have been promoted in 1974 etc. As stated earlier, these are not the cases requiring our consideration because they are not the issues before us and they are badly time-barred. The respondents have replied the applicant vide their letter dt. 20.2.87. In that they have clearly stated that the D.P.C. held in 1976 had already been reviewed in the light of the judgment of the

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Punjab & Haryana High Court and it has nothing to do with the issues raised by the applicant. To be further sure, we have compared the panel of names communicated in the letter dt. 15.9.86 of the Min. of Water Resources to the Chief Hydrogeologist that the seniority list circulated under cover of the respondents letter dt. 5.1.87. In the seniority list circulated, column 6 indicates the date of regular appointment in the grade (Junior Hydrogeologist). We find that the order of persons in the seniority list is the same as indicated in the letter of 15.9.86 which is the result of a review D.P.C. conducted in the light of the judgment of the Punjab & Haryana High Court. We are, therefore, satisfied that the only surviving aspect viz: the follow-up action in the light of the judgment of the Punjab & Haryana High Court has been correctly ~~taken~~ <sup>dealt with</sup> by the respondents. Under these circumstances we dismiss the application with no order as to costs.

*R. Balasubramanian*  
( R. Balasubramanian )  
Member (A).

*C. J. Roy*  
( C. J. Roy )  
Member (J).

*3rd*  
Dated: 3rd April, 1992.

*L*  
Deputy Registrar (Judl.)  
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Copy to:-

1. Secretary to Government of India, Ministry of Water Resources, Union of India, Shramashakti Bhavan, New Delhi.
2. Chairman, Central Ground Water Board, Krishin Bhavan, New Delhi.
3. Chief Hydrogeologist & Member, Central Ground Water Board, Jamnagar House, Mansingh Road, New Delhi.
4. One copy to Sri. S.L. Chennakesava Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, Addl. CGSC, CAT, Hyd.
6. Copy to reporters as per standard list of CAT, Hyd.
7. One spare copy.

Rsm/-

*Substant*