

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 175/89
T.A.No.

Date of Decision : 13.7.90

<u>R. Badraiah</u>	Petitioner.
<u>Mr. D. Linga Rao</u>	Advocate for the petitioner (s)
Versus	
<u>The Scientific Advisor, Min. of Defence, New Delhi and others</u>	Respondent.
<u>Mr. Naram Bhaskara Rao, Addl. CGSC</u>	Advocate for the Respondent (s)

CORAM :

THE HON'BLE MR. B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE MR. D. SURYA RAO, MEMBER (J)

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 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)

NO


(HBNJ)


(HDSR)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
Bench at : Hyderabad

O.A. No.175/89

Date of Order: 13.7.1990

BETWEEN

R. Badraiah, LDC
DLRL, Hyderabad

.. Applicant

Versus

1. The Scientific Advisor,
Ministry of Defence, Room No 224,
R&D organisation, (B.Wing,
Sena Bhavan, DHQ PO.,
New Delhi - 100 011.

2. The Director,
Defence Electrical Research
Laboratories, Hyderabad-5, A.P.

.. Respondents

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APPEARANCE

For the Applicant

Mr. Sreenivas Advocate for -
: Mr. D. Linga Rao, Advocate

For the Respondents

: Mr. N. Bhaskara Rao, Addl.
Standing Counsel for respondents

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CORAM

THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE SHRI D. SURYA RAO, MEMBER (JUDICIAL)

(Judgement of the Bench delivered by Hon'ble Shri D.Surya Rao)
Member (Judicial)

The applicant herein who is ^aan Lower Division Clerk in the office of the second respondent has filed this application questioning the order No.17315/8/RD/Pers.I dt.19.12.1988 communicated to him issued by Ministry of Defence, R&D Organisation, New Delhi. The applicant's case

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is that he was appointed as LDC in the A.O.C Centre, Secunderabad on 6.7.1963. He was transferred to the D.L.R.L., on request in December, 1979. He took charge in that organisation on 1.12.1979. He contends that certain direct recruits were recruited namely Sri C. Jayaraju, Smt. K. Yasodamma, Sri Sesha Reddy and Sri Vijayakumar, on 3.12.79, 3.12.79, 7.12.79 and 7.12.79 respectively. The applicant contends that since these direct recruits had joined duty after the applicant joined, they are all his juniors. ^{even though he had} ~~He has no doubt~~ surrendered his seniority when he came to the D.L.R.L on 1.12.'79. He therefore made an application 13.6.88 to the Director to revise his seniority. Thereupon the impugned order was passed on 19.12.'88 stating that the matter was examined and it is confirmed that his seniority fixed below Smt. V. Rajyalakshmi, is in order. The applicant contends that the rejection of the appeal of the applicant for giving him seniority from the date of his joining in the Organisation without assigning any reason is therefore illegal, arbitrary and violative of articles 14 and 16 of the Constitution. Thereafter he made another application dt. 24.1.89 reiterating his claim for seniority but the respondents are in no mood to consider his claim. He therefore files this application to set aside the order dt. 19.12.'88 and to direct the respondents to compute his seniority w.e.f., 1.12.79.

2. On behalf of the respondents a counter has been filed, stating that as per the provisions para 7 of sub para 3 of Ministry of Home Affairs O.M. No. 9/11/55-RPS dt. 22.12.59, if a person is appointed by transfer

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in accordance with a provision in the recruitment rules provided for such transfer in the event of non-availability of a suitable candidate by Direct Recruitment or promotion. Such ~~transferees~~ ^{transferees} shall be grouped with Direct Recruits or promotees as the case may ^{be} for the purpose of relative seniority. He shall be ranked below all direct recruits selected on the same occasion. It is further stated that according to the provisions of DRDO letter No.86518/RD-22 dt.10.12.73 a Civilian Defence Employee will reckon his seniority from the date of reporting duty in the new unit. It is further stated that the applicant made an application requesting that his seniority may be counted w.e.f.3.12.79 vide his application dt.13.6.'88, and that the said application was carefully considered and it was confirmed that his seniority has been fixed correctly below the name of Smt. V. Rajyalaxmi. It was communicated to him by the Respondent No.2 on No.DLRL/EST.II/0051 dt.29.12.88. It is contended that placing the applicant as junior to Mr. Sesha Reddy and 4 others is not illegal. For these reasons it is stated that the application may be dismissed.

3. We have heard Mr. Srinivas, Advocate for Sri D. Linga Rao, counsel for the applicant and Shri Naram Bhaskara Rao, Addl. Standing Counsel for the respondents. From the facts stated above, and from the representation dt.13.6.'88 of the applicant himself, it is clear that Smt. Rajalaxmi, direct recruit joined the unit on 30.11.79 and by virtue of this she is senior to the applicant, who joined on 3.12.1979. The applicant had himself given a ^{agreed up to} ~~certificate to the~~ ^{to the} seniority w.e.f.3.12.79 in the new unit.

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Admittedly Smt. Rajyalaxmi is therefore senior to the applicant. The others viz., Sri C.Jayaraju, Smt. K.Yasodamma Sri Sesha Reddy and Sri Vijayakumar, who were directly recruited, figured as seniors to Smt. Rajyalaxmi in the panel. In accordance with the rules relating to seniority of direct recruits all of them have to rank seniors to Smt. Rajyalaxmi in accordance with their position in the panel. Accordingly they have to be seniors to the applicant also. The applicant cannot therefore seek a direction that Sri Sesha Reddy etc., should be ranked juniors to him on the basis of their joining to duty. In the circumstances, we see no merit in the application. The application is accordingly dismissed. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

D. Surya Rao
(D. SURYA RAO)
MEMBER (JUDICIAL)

Dictated in the open Court
Dt. 13th July, 1990

[Signature]
DEPUTY REGISTRAR (JUDL) 20/7/90

Mvs

To

1. The Scientific Advisor, Ministry of Defence,
R&D Organisation, B.Wing, Sena Bhavan, DHQ. PO., New Delhi - 11.
2. The Director, Defence Electrical Research Laboratories, Hyd-5, 90
3. One copy to Mr.D.LingaRao, Advocate
1-1-258/10/C. Opp. Bata Shoe Company, Chikkadapally, Hyd. 20.
4. One copy to Mr. N.Bhaskara Rao, Addl.CGSC.CAT.Hyd.Bench.
5. One spare copy.

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[Signature]
20/7/90