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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 510/89

Date of Decision : 4.3.92

~~REASON~~

Mr. GSN Murthy

Petitioner.

Mr. T.Jayant

Advocate for the
petitioner (s)

Versus

Union of India and 3 others

Respondent.

Mr. NV Ramana

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian, Member (Admn.)

THE HON'BLE MR. T.Chandrasekhara Reddy, Member (Judl.)

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)

M
HRBS
M(A)

T
HTCSR
M(J)

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

This application is filed by Shri G.S.N.Murthy and 4 others against the Secretary, Ministry of Defence, New Delhi and 3 others with a prayer seeking a direction to the respondents to revise the seniority of the applicants herein on the basis of the dates of their appointments as Assistant Store Keepers with all consequential benefits.

2. The seniority of the applicants has been prepared based on the dates of ~~regulation~~ ^{their nomination} and not on the dates of their initial appointment.

3. We have heard Shri T.Jayant, learned counsel for the applicants and Shri N.V.Ramana, learned Additional Standing Counsel for the respondents. Shri Ramana confirmed that even at the time of initial appointment, the applicants have been appointed ~~fully~~ in accordance with the statutory

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.510 of 1989

DATE OF JUDGMENT: 4th March 1992

BETWEEN:

1. Mr. GSN Murthy
2. Mr. KVSJK Prasad
3. S. Rambabu
4. Mr. Ch. Nagabhushan Rao
5. Mr. N. Lakshmanulu ..

Applicants

AND

1. Union of India, represented by
the Secretary,
Ministry of Defence,
New Delhi-1.
2. The Director General of Armament Supply,
Naval Headquarters,
New Delhi.
3. The Flag Office Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam-530 009.
4. The General Manager,
Naval Armament Depot (NAD),
Eastern Naval Command,
Visakhapatnam-530009.

Respondents

COUNSEL FOR THE APPLICANTS: Mr. T. Jayant

COUNSEL FOR THE RESPONDENTS: Mr. N.V. Ramana, Addl. CGSC

contd....

To

1. The Secretary, Union of India, Ministry of Defence,
New Delhi-1.
2. The Director General of Armament Supply,
Naval Headquarters, New Delhi.
3. The Flag Office Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam-9.
4. The General Manager, Naval Armament Depot (NAD)
Eastern Naval Command, Visakhapatnam-9.
5. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.
6. One copy to Mr.N.v.Ramana, Addl. CGSC.CAT.Hyd.
7. One spare copy.

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recruitment rules. He, however, relied on the Govt. of India, Ministry of Defence Memo No. ID 4(1)/83/(Civ-II), dated 19.11.1983 and also the decision of the Bombay Bench of this Tribunal having circuit sitting at Panaji (Goa), in O.A.Nos. 516 and 732 of 1988 and contended that the date of regularisation should be the basis for fixing up the seniority. On the other hand, Shri Jayant relied on a decision of the Supreme Court reported in 1990(2) AISLJ (SC) p.40 "The Direct Recruit Class-II Engineers Officers' Association and others Vs. State of Maharashtra and others". In this five Judge Bench of the Hon'ble Supreme Court, their lordships have held that, once an incumbent is appointed to a post according to the rules, his seniority has to be counted from the date of appointment and not from the date of confirmation.

4. In view of the categorical observation of their lordships of the Hon'ble Supreme Court, we direct the respondents to base the seniority of the applicants herein only on the date of their initial appointment which is confirmed to have been done in accordance with the statutory ~~rules~~ recruitment rules. With the above directions, we dispose of this application with no order as to costs.

(Dictated in the open Court).

R.Balasubramanian
(R.BALASUBRAMANIAN)
Member(Admn.)

T.C. Reddy
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 4th March 1992.

vsn

SB/8/2
Deputy Registrar (J)

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.
THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)
AND
THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
M(JUDL)
AND
THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

DATED: 6-3-1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.N.

in

O.A.N. 510/89

T.A.No. (W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

