

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.368/90

Date of order: 21-1-1993.

Between

1. Challa Janardhan Rao
2. Narayana Reddy
3. Paruchuri Vittal Rao
4. Nagamalla Laxminarayana
5. M.Venkata Reddy
6. P.Srinivas Rao
7. Jale Rajesekar Reddy
8. Prem Kumar Chauhan
9. Vasireddy Dayananda
10. T.Venkateswara Rao
11. S.Karunakar
12. P.Pratap Reddy
13. Y.Gattaiah
14. P.Srinivas Rao

... APPLICANTS

A N D

1. The Union of India,
Secretary, Dept. of Atomic Energy,
New Delhi.
2. The Chief Executive,
Heavy Water Board,
Dept. of Atomic Energy,
OYC Bldg., Bombay.
3. The General Manager,
Heavy Water Project,
Manugur, Khammam District.
4. The Administrative Officer,
Heavy Water Project,
Manugur, Khammam District.

... RESPONDENTS

Appearance:

For the applicant : Shri K.Anantha Rao, Advocate
For the Respondents : Shri N.R.Devaraj, Addl.CGSC

CORAM:

The Hon'ble Shri R.Balasubramanian, Member (Admn.)
The Hon'ble Shri C.J.Roy, Member (Judicial)

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OA 368/90

J U D G M E N T

(of the Bench delivered by Hon'ble Shri R.Balasubramanian, Member(A)).

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This Application is filed with a prayer to direct the respondents to appoint the applicants to the posts of Tradesmen 'C' and 'B' on the basis of their performance during the training period adhering to the norms of granting Tradesman 'C' to those who have secured more than 50 per cent as was done to the Tradesmen recruited alongwith the applicants in other Heavy Water projects with all consequential benefits thereon.

2. By their advertisements No.3/85 and 9/85 published, the Respondents called for applications from candidates for the posts of Tradesmen 'C' and 'B'. One of the stipulations in the advertisements was that the person selected would be appointed to the posts of Tradesman 'C' and 'B' basing on their performance during the training. It is now alleged that instead of doing this, the Respondents had appointed all the candidates to the lower post only, namely Tradesman 'B'. The applicants represented through their recognised association. The Respondents did not reply them. While so, by their order No.HWPM/Admn./90-Rectt./501 dated 9-5-90, the Respondents had allocated 53 candidates ^{only} to the cadre of Tradesman 'C' and the remaining were placed only in the cadre of Tradesman 'B'. It is the contention of the applicants that earlier the Respondents were adopting the practice that those who secured more than 50 per cent were allocated to the higher post. It is also stated that this was the practice in other Heavy Water Projects at Baroda and Kota. Aggrieved they have filed this application.

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3. The respondents opposed the application and have filed their counter. It is claimed that as an employer the Government has a right to determine the norms and in this case norms have been decided in such a manner that ^{only} 53 out of 229 ^{could} ~~should~~ be allocated to the higher cadre. It is also stated that the applicants did not even fulfil the conditions for absorption in terms of the marks obtained in the SSC and prescribed for the recruitment to the cadre itself, let alone allocation to the cadre of Tradesman 'C' which is higher.

4. We have examined the case and heard the rival sides. It is seen from the notifications that in the category-II further allocation to the cadres of Tradesman 'C' or Tradesman 'B' will be done only based on their performance in the periodical and final assessment for the operation and maintenance of the plants. It is ~~also~~ seen from their office order No. HWPM/Admn/90-rectt/501 dated 9-4-1990 which begins with the sentence, "consequent on revision of norms for absorption of Category-II", the orders had been issued placing a few in Category 'C' and others in Category 'B'. This ~~was~~ evidently means that there were certain norms at the relevant point of time when the applicants underwent training. The applicants are not in a position to produce these records. Nevertheless, the Respondents have also failed to show us what the earlier standards at the relevant point of time were for the purpose of allocating the candidates either to Tradesman 'C' or Tradesman 'B'

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To

1. The Secretary, Union of India, Dept.of Atomic Energy, New Delhi.
2. The Chief Executive, Heavy Water Board, Dept.of Atomic Energy, OYC Building, Bombay.
3. The General Manager, Heavy Water Project, Manugur, Khammam Dist.
4. The Administrative Officer, Heavy Water Project, Manugur, Khammam Dist.
5. One copy to Mr.K.Ananta Rao, Advocate, 16-2-705/1/13 New Malakpet, Hyderabad.
6. One copy to Mr.N.R.Devraj, Sr..CGSC.CAT.Hyd.
7. One spare copy.

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depending upon their performance in the training. One point is clear that whatever revision they had effected in 1990 cannot be ^{retrospectively} applied to the applicants who underwent training in 1986 pursuant to the notifications 03/85 and 9/85.

Since full information has not been furnished to us we feel that the ends of justice would be met if we give the following direction to the respondents:

(a) The Respondents are to apply standards ~~obtaining~~ ~~applicable~~ in 1985 to the applicants for the purpose of allocation to the Tradesman 'C' or Tradesman 'B' cadres;

(b) If, however, there were no standards ~~then~~, (unlikely as seen from their order dated 9-4-1990) as claimed by the learned counsel for the Respondents during the hearing, then the Respondents should arrange those selected on these notifications in the order of merit on performance in the training. Thereafter, to the extent posts were available in the higher scale (Tradesman 'C') persons should be allocated to the higher scale in the order of merit.

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Any change to the higher cadre will only be notional with all benefits other than arrears for the period of notional promotion. The respondents are directed to complete this exercise within a period of four months from the date of receipt of this order. The O.A. is disposed of thus with no order as to costs.

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

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

Dated: the 21st day of January, 1993.

mhb/

8-22/1/93
Deputy Registrar (3)

in the 1990

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TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 21-1-1993

ORDER/JUDGMENT:

R.A./ C.A./ M.A. No.

in

O.A. No.

368/90 ✓

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions ✓

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

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