

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

· * * *

O.A. 494/90

Dt. of Decision : 23.12.93

1. A. Krishna

2. M. Satyacharan

• • Applicants.

vs

1. Union of India represented by ~~the~~
Secretary, Ministry of Defence,
New Delhi - 110 011.

2. Scientific Adviser to the Ministry of Defence and Director-General, Defence Research and Development Organisation (DRDO), New Delhi-11.

3. Director, Defence Metallurgical Research Laboratory, Kanchanbagh, Hyderabad - 500 258.

• • Respondents.

Counsel for the Applicants : Mr.G.Ramachandra Rao

Counsel for the Respondents : Mr.N.R. Devaraj, Sr.CGSC

CORAM :

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : : MEMBER (ADMN.)

• 2

18th g.

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

The applicants herein are directly recruited Tradesman 'A' in the Defence Metallurgical Research Laboratory, (DMRL), Hyderabad. The 1st applicant joined on 13.7.1982 and the 2nd applicant joined on 7.5.1985. According to Recruitment Rules, the posts of Tradesman 'A' are to be filled up by direct recruitment to the extent of 33% and by promotion to the extent of 67%.

2. In D.M.R.L. the Tradesman 'A' posts are filled on the basis of quota-rota rule by following the ratio of 1:2 between direct recruits and promotees. The applicants herein pray for following the quota-rota rule fully in their case while fixing their seniority vis-a-vis promotees. As the quota-rule was broken down earlier while filling up the posts of Tradesman 'A', a committee was constituted to decide the seniority among the direct recruits and promotees. On the basis of the recommendations of the said committee, it was decided by DMRL authorities that the fixation of seniority as per quota-rota rule as envisaged in the rule of rotation will be followed with effect from 1.3.1986 and prior to that the seniority will be fixed based on the length of service in the cadre. As the applicants herein were directly recruited prior to 1.3.1986 in the cadre of Tradesman 'A' their seniority will be counted based on the length of their service in the said cadre vis-a-vis promotees. But the applicants claim that they were recruited directly and quota-rota rule is to be followed strictly. The applicants herein rely on the Judgment dt. 4.3.1991 in O.A.No.536/89 decided by this Tribunal wherein the rule of rotation was followed by the respondents(viz. DRDL) therein and it was upheld. Therefore, the applicants herein pray for a similar directions in this O.A. also.

Copy to:-

1. Secretary, Ministry of Defence, Union of India, New Delhi.
2. Scientific Adviser to the Ministry of Defence and Director General, Defence Research and Development Organisation (DRDO), New Delhi-11.
3. Director, Defence Metallurgical Research Laboratory, Kanchanbagh, Hyderabad-258.
4. One copy to Sri. G.Ramachandra Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

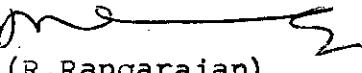
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Rao (R)
1/16/93*

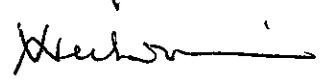
3. In O.A.No.841/89, which was filed by 13 direct recruits of DMRL praying for the same relief as asked for by the applicants in this O.A., this Tribunal had upheld the decision of DMRL authorities to follow the quota rota rule with effect from 1.3.1986 for fixing the seniority and prior to that the seniority be fixed based on the length of their service in the cadre. The Tribunal's decision was due to the fact that quota rule had been broken and it was impossible to follow the quota-rota rule till 1.3.1986 for fixing the seniority.

4. In O.A.No.536/89, which was filed by the promotees of DRDL claiming seniority based on the length of service in the cadre, the same Bench of this Tribunal had dismissed the O.A. as the quota-rota rule was fully followed in that organisation. A slight departure in the case of O.A.No.841/89 was upheld by this Tribunal because of the prevailing circumstances in DMRL at that time. Hence, in both the O.As. which were decided by the same Bench of this Tribunal, the principle of quota-rota rule was upheld with slight modification in O.A.No.841/89 for the reasons mentioned supra.

5. As the present O.A. is filed by two direct recruits of Tradesman 'A' of DMRL, Hyderabad, it is fit and proper to follow the directions given in O.A.No.841/89.

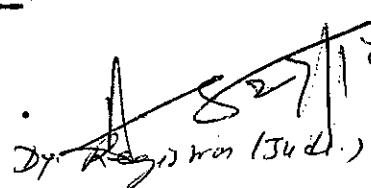
6. As the seniority principle for Tradesman 'A', as formulated by the DMRL authorities had already been upheld by this Tribunal in O.A.No.841/89 this O.A. is not sustainable and hence dismissed. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

Dated 23 Dec., 1993.

Grh.


Dr. Rajgopal (J.S.C.)

contd. - 41