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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

* * *

D.A. 576/90

Dt. of Decision : 21.12.93

1. V.R.K. Reddy
2. K.P. Reddy
3. A. Ranganayakulu

.. Applicants.

Vs

1. The Union of India through
the Secretary to the Govt.
of India, Ministry of Water
Resources, Shram Shakti Bhavan
New Delhi - 110 001.
2. The Chairman, Central Water
Commission, Sawa Bhavan,
R.K. Puram, New Delhi-110 066. .. Respondents.

Counsel for the Applicants : Mr. N. Rama Mohana Rao
N. V. Mohana Rao
Counsel for the Respondents : Mr. N. B. Basakara Rao

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A.No.576/90

Dt. of decision:21-12-1993.

(2)

Judgement

1. As per the Hon'ble Sri V. Neeladri Rao, Vice Chairman (

This O.A. was filed praying for a direction to the respondents to consider the claims of the applicants forthwith for promotion as Dy.Director/Executive Engineer in Central Water Commission (Group 'A' Service) by taking into their inter se ranking therein, as per the revised provisional seniority list of Asst.Directors communicated through O.M. dt. 7-9-89, and for declaration that they are entitled to be treated to have been promoted w.e.f. 28-2-90 the date on which the juniors have earned such promotion.

2. By the date of this O.A. the three applicants were working as Asst. Directors in the Central Water Engineering Service. Shri V.P. Mishra, an Asst. Director in this organisation filed OA No.31/87 on the file of the Principal Bench at New Delhi claiming that the seniority had to be reckoned from the date of commencement of the adhoc service as their services were regularised while they were on adhoc service, and there was no break in the adhoc service. The said contentions for the applicant therein were upheld and the said O.A. was allowed. Thereupon, the seniority list of Assistant Directors was revised and communicated through O.M. dt.7-9-89. But the respondents proceeded to consider the case of Asst. Directors for promotion as Dy.Director/Executive Engineer on the basis of the earlier seniority list of 1985/1987 on the ground that SLP was filed against ✓

the order dt. 3-8-88 in O.A. 31/87 on the file of the Principal Bench. But no stay was granted by the Supreme Court pending disposal of SLP. Then this OA was filed praying for the reliefs referred to.

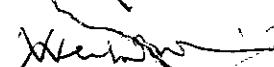
3. Shri P.N. Murthy, one of the Asst. Directors in this organisation filed OA 1523/89 on the file of the Principal Bench contending that his seniority list ~~has~~ prepared in 1985/87 is in accordance with rules. By order dt. 15-12-89, the Principal Bench held in M.P. No. 1929/89 and 2192/89 in O.A. No. 1523/89 that any selection/promotion to the post of Dy. Director/Executive Engineer will be subject to the outcome of O.A. 1523/89.

4. When the above interim order of the Principal Bench was brought to the notice of this Tribunal an interim order in this OA ^{Bench,} was passed on 20-8-90. It is to the effect that the respondents should make promotions on the basis of provisional seniority list dt. 7-9-89 prepared in terms of order passed by the Principal Bench in O.A. 31/87. The said relief, as per the interim order, can be treated as the relief in this O.A. which is claimed as per Para 'A' in the relief portion; if ultimately the Supreme Court allows the SLP or passes any modified order, then the applicants herein also will be governed by the same.

5. If the applicants were promoted to the posts of Dy. Director/Executive Engineer, then their promotions to the said cadre should be given w.e.f. from the revised dates on which their juniors, who were continued in the said post without any interruption, were promoted.

6. If there was no such junior, then it is needless to say that ^{then} promotions are from the dates from which they joined the post of Dy. Director/Executive Engineer. But if it is a case where the date of promotion had to be advanced, where juniors, who ^{are} ~~were~~ continued without any interruption, were promoted earlier, then their national pay ^{has} to be fixed on the date of the deemed promotion; but the monetary relief is limited for the period from 13-7-89 as this OA was present on 13-7-90. This OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dictated in Open Court
21st December, 1993


Deputy Registrar (Judl.)

kmv

Copy to:-

1. Secretary to the Govt of India, Ministry of Water Resources, Union of India, Shram Shakti Bhavan, New Delhi- 011.
2. The Chairman, Central Water Commission, Sewa Bhavan, R.K. Puram, New Delhi-066.
3. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
4. One copy to Sri. ~~N~~ N. ~~Devaraj~~ CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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TYPED BY

RWS
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O-A-576/90

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

AND

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

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 21/12/1993

ORDER/JUDGMENT:

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

O.A.No.

in
576/90

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

