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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

OA 189/91.

Dt. of Order:13-4-94.

B.Juanes

....Applicant

Vs.

1. Union of India, rep. by  
its Secretary, Ministry of Defence,  
New Delhi.
2. Chief of Naval Staff,  
Naval Headquarters, New Delhi.
3. Admiral Superintendent,  
Naval Dockyard, Visakhapatnam.
4. Dy.General Manager (Personnel),  
Naval Dock Yard, Visakhapatnam.
5. P.Narasinga Rao
6. K.Ganesh Kumar

.... Respondents

Counsel for the Applicant : Shri M.Lakshmana Sarma

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

CORAM:

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

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

.....2.

15/5/94

(39)

OA 189/91

JUDGEMENT

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN I

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Heard Shri M. Lakshmana Sharma, learned counsel for the applicant and also Shri N.V. Ramana, learned standing counsel for the Respondents.

2. This OA is filed assailing the order dated 31-1-91 bearing No. P.E/7/91/PIR/0212/TSS whereby Respondents 5 & 6 were promoted as Senior Foremen. One of the contentions for the applicant is that Respondent 5 & 6 are his juniors in the cadre of Foremen and hence they cannot be promoted ahead of him to the post of Senior Foreman. It is further contended for the applicant that as he is a Scheduled Caste candidate, his case has to be considered for promotion to the vacancy which has arisen as against the Reserved point in the 40 point Roster as per OM No. 22011/3/76-Estt(D) dated 24-12-80.

3. The applicant, <sup>and</sup> Respondents 5 & 6 herein are Respondents 14, 11 & 13 respectively in OA 994/90. There also the question that had arisen for consideration was as to whether the promotions of the applicant, <sup>and</sup> Respondents 5 & 6 to the post of Senior Foremen were in accordance with OM dated 24-12-80. The said OA was disposed of by order dated 16-12-93.

-/-....3

22011/3/76

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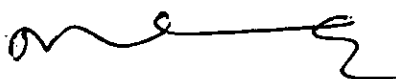
Copy to:-

1. Secretary, Ministry of Defence, Union of India, New Delhi.
2. Chief of Naval Staff, Naval Headquarters, New Delhi.
3. Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4. Dy. General Manager(Personnel), Naval Dock Yard, Visakhapatnam.
5. One copy to Sri. M.LakshmanaSarma, advocate, CAT, Hyd.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

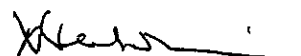
At 28/11  
PRG  
Ram/-  
14/11/93

As the applicant, <sup>and</sup> Respondents 5 & 6 herein are parties to the said OA, they are bound by the said order. But the learned counsel for the applicant submitted that the question as to whether the applicant has to be considered against the Reserved vacancy in the 40 point Roster was not considered at the time of hearing of the said OA and hence it was not adverted to. If it were so, it is a matter where the applicant herein <sup>who is</sup> Respondent 14 in OA 974/90 has to come up with a Review application and it cannot be considered in this OA. As the applicant filed this OA 189/91 even before the disposal of OA 974/90, the question of bar by limitation does not arise. Hence this OA is disposed of with the following order:-

" No further direction need be given in this OA as the necessary directions were given in OA 974/90. If the applicant is aggrieved by the said directions, his remedy is to come up by way of Review Application in OA 974/90 and if the said RA is going to be filed by 31-5-94, the same will be held as <sup>filed within time</sup> ~~admitted~~, No costs."



(R. RANGARAJAN)  
Member (Admn.)



(V. NEELADRI RAO)  
Vice-Chairman.

Dated the 13th April, 1994.  
Open court dictation.

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+

Amr  
Dy. 125

O.A. 184/91

TYPED BY

COMPILED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 13/4/1994

ORDER/JUDGMENT

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

in

O.A.No.

184/91

~~T.A.No.~~

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

~~Disposed of with directions~~

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Central Administrative Tribunal  
DESPATCH

9 MAY 1994

HYDERABAD BENCH