

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 481/91.

Dt. of Decision : 1-8-1994.

Mr. R.V.V.N. Jagapathi Raju

.. Applicant.

Vs

1. Union of India, rep. by
the Secretary to the Government
Ministry of Defence,
New Delhi.
2. The Engineer-in-Chief,
Army Headquarters, DHQ (PO),
Kashmir House, New Delhi-11.
3. The Chief Engineer,
Southern Command,
Pune-411 001.
4. The Chief Engineer (Projects)
Research & Development,
Picket, Sec'bad-500 003.

.. Respondents.

Counsel for the Applicant : Mr. K.S.R. Anjaneyulu

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

CORAM:

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

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

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Sri K.S.R. Anjaneyulu, learned counsel for the applicant, and Sri N.R. Devaraj, learned counsel for the respondents.

2. In this application, filed on 25-4-1991 under section 19 of Administrative Tribunals Act, 1985, the applicant who is working as Assistant Surveyor of Works under R-4 in the M.E.S. at Secunderabad has prayed that his seniority in the cadre of Surveyor Assistant Grade I (SA-I) should be determined on the basis of his total length of service as SA Gr.I/Superintendent B/R Grade I commencing from 17-12-1962 and on that basis he should be considered for promotion through Departmental Promotion Committee (DPC) as Assistant Surveyor of Works (ASW) in 1982. He has also prayed that his promotion as A.S.W. in 1982 should be with effect from the date his next junior in the revised seniority of the Grade of SA Gr.I was promoted through D.P.C. of 1982 against vacancies of 1979. His further prayer is that he should be considered for further promotion (as Surveyor of Works - SW) from the date his next junior was promoted on the demerger of the two cadres with all consequential benefits.

3. When the case was taken up for final hearing, learned counsels of both the parties submitted before us that this case is covered by the judgement of the Principal Bench in OA.No.1626/87 dated 16-3-1990 and OA.No.1028/90 decided on 5-9-1991 on the file of this

✓


Tribunal at Ernakulam. They further submitted that this application can be disposed of with the same directions in the above mentioned OAs.

4. We have heard the learned counsel for the both the parties and perused the judgements stated above. Since the matter is covered by judgement in OA.1626/87 on the file of the Principal Bench, New Delhi and OA.1028/90 on the file of the Ernakulam Bench, it is not necessary for us to refer to the facts in detail.

5. Having heard the matter and gone through the documents we are of the view that this ^{application} applicant can be disposed of following the directions in the above quoted OAs in the file of Principal Bench, New Delhi, and in the file of Ernakulam Bench. Hence, we allow the application and issue the following directions :-

- i) The applicant's seniority in S.A. Gr.I should be based on his total length of his continuous service as SA Gr.I/Suptd. B/R Grade I for the purpose of his promotion as Assistant Surveyor of Works.
- ii) The applicant's induction in the Surveyor Wing should be deemed to have taken place in 1978 and he should be deemed to have been regularly promoted as Assistant Surveyor of Works on the basis of his position in the panel prepared and circulated vide Engineer-in-Chief's letter dated 19-4-1982 with effect from the date on which his immediate junior/juniors have been promoted.
- iii) He should also be considered for further promotion as Surveyor of Works on the basis of his seniority and regular qualifying service as Assistant Surveyor of Works commencing from 28-6-1982 and if found fit, given notional promotion from the date he attained eligibility or the



date on which his immediate junior was promoted, whichever is later with all consequential benefits of seniority without, however, arrears of pay.

(iv) Action on the above lines should be completed within a period of three months from the date of the receipt of copy of this order.

6. The OA is ordered accordingly. There will be no order as to costs.

kmv
(R. Rangarajan)
Member (A)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dated: 1-8-94

kmv

Anil u.s.m.
Dy. Registrar (Judl)

Copy to:-

1. The Secretary to the Government, Ministry of Defence, Union of India, New Delhi.
2. The Engineer-in-Chief, Army Headquarters, HQ (PO), Kashmir House, New Delhi-11.
3. The Chief Engineer, Southern Command, Pune-411 001.
4. The Chief Engineer (Projects) Research & Development, Picket, Secunderabad-500 003.
5. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT, Hyderabad.
6. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare.

kku.

Parole
Parole
Parole

19-4-81/91

TYPED BY

CHECKED BY

COMPARED 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. R. RANGARAJAN, M.A.D.I.A.N.

DATED: 1-8-1991

~~ORDER/JUDGMENT~~

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

O.A.No. 4-81/91

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

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

