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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.689/91.

Date of Judgment 29-4-92

1. Smt. K.Romila Pushpa
2. Saber Mohammed
3. T.M.Venkata Laxmi
4. V.C.George
5. Eapen C.V.
6. E.Prakash Rao
7. Md. Wali
8. K.K.Gopalakrishnan
9. S.Latchanna
10. Vijaya Laxmi
11. A.Gopalakrishna .. Applicants

Vs.

1. Union of India,  
Rep. by the Secretary to  
Govt. of India,  
Dept. of Mines,  
Min. of Steel & Mines,  
Shastri Bhavan,  
New Delhi.
2. The Director-General,  
Geological Survey of India,  
27, Jawaharlal Nehru Road,  
Calcutta-700016.
3. The Dy. Director-General,  
Geological Survey of India,  
Southern Region, Bandlaguda,  
Hyderabad-500660. .. Respondents

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Counsel for the Applicants : Shri V.Venkateswara Rao  
Counsel for the Respondents : Shri N.R.Devaraj, Addl. CGSC

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

[ Judgment as per Hon'ble Shri R.Balasubramanian, Member(A)

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This application has been filed by Smt. K.Romila Pushpa & 10 others against the Union of India, Rep. by the Secretary to Govt. of India, Dept. of Mines, Min. of Steel & Mines, Shastri Bhavan, New Delhi & 2 others, praying for a direction to the respondents to apply the direction contained in the judgment dt. 12.4.91 of this Tribunal in O.A.No.348/88 to the applicants herein also and not to disturb the interse seniority as shown in the list issued on 31.12.88.

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2. The applicants joined the respondent organisation initially as L.D.Cs/Telephone Operators. After a stint of adhoc promotion as U.D.Cs in February, 1981 they were regularly promoted in accordance with the Recruitment Rules w.e.f. 1.3.85. Later, in 1985, a few candidates were appointed through competitive examination on a regular basis w.e.f. 1.8.85. While fixing the seniority ~~list~~, persons like the applicants before us were aggrieved and they moved this Tribunal through O.A.No.348/88. An order dt. 12.4.91 was passed by this Tribunal directing the respondents to treat the applicants therein ~~as~~ enbloc seniors to the Respondents No.15, 16, 23 and 24 in that O.A. The respondents had issued a revised seniority list as per the judgment dt. 12.4.91 of this Tribunal in O.A.No.348/88. This list is available as annexure A-4 to the application. It is pointed out by the applicants now before us that while following the judgment of this Tribunal the respondents had shown <sup>only</sup> the O.A.No.348/88 applicants as enbloc senior to Respondents No.15, 16, 23 and 24 therein. The applicants now before us are shown below the said 4 respondents eventhough the applicants herein are placed similar to the O.A.No.348/88 applicants in that all of them were appointed as U.D.Cs on a regular basis w.e.f. 1.3.85 whereas the said 4 respondents were appointed as U.D.Cs <sup>only</sup> w.e.f. 1.8.85. The applicants herein made a representation dt. 6.5.81 and not getting any favourable reply they have approached this Tribunal with the above prayer.

3. The respondents have filed a counter affidavit and oppose the application. The facts of the case are not disputed. Their only ground stated in para 3 of the counter affidavit is that this Tribunal directed the O.A.No.348/88 applicants to be placed above Respondents No.15, 16, 23 and 24 therein and that the direction in that judgment cannot be extended to the applicants herein eventhough they were placed in a similar situation for the simple reason that there was no clear directive in respect of anyone else other than the O.A.No.348/88 applicants.

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4. We have examined the case and heard the rival sides. The point involved is an extremely short one. The only stand of the respondents is that they shall act on the direction only in respect of the applicants in a particular O.A. and they are not ready to act in respect of persons placed similar to the applicants in another O.A. We strongly disapprove this attitude of the respondents in that once a principle is laid down in a judgment as in the case of the judgment dated 12.4.91 in O.A.No.348/88 the respondents should apply the judgment not only to the applicants in that particular O.A. but also to all similarly placed persons to whom the same principle laid down by the Tribunal would apply. The respondents squarely admit that the applicants now before us are similar to the ones of O.A.No.348/88 and yet they would not give the benefit for want of a direction which we shall now give. The respondents are directed to apply the principle laid down by this Tribunal in its judgment dated 12.4.1991 in O.A.No.348/88 not only to the applicants before us in O.A.No.689/91 but also to other officials who have not approached us but are placed in a similar situation as the O.A.No. 348/88 applicants.

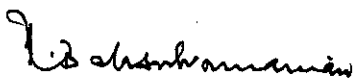
4. Based on the above direction, if the applicants are entitled to any arrears, the same should be restricted to a period subsequent to one year prior to the date of filing this application in view of the Section 21 of the Administrative Tribunals Act. In this case any arrears


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that the applicants may be entitled to, following this direction shall be restricted to a period subsequent to 15.7.1990 i.e., one year prior to the filing of this application.

5. We allow the application accordingly with no order as to costs.

  
(R. Balasubramanian)  
Member(A).

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

  
Dated: 29<sup>th</sup> April, 1992. Deputy Registrar(J)

To

1. The Secretary to Govt. of India, Union of India  
Dept. of Mines, Min. of Steel & Mines, Shastri Bhavan,  
New Delhi.
2. The Director-General, Geological Survey of India,  
27, Jawaharlal Nehru Road, Calcutta-16.
3. The Deputy Director-General, Geological Survey of India,  
Southern Region, Bandlaguda, Hyderabad-660.
4. One copy to Mr. v. venkateswar Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Addl. CGSC. CAT. Hyd.  
br/vsn
6. One spare copy.

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