

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 781/91.

Dt. of Decision : 28-9-94.

R. Satyanarayana

.. Applicant.

vs

1. The Union of India Rep. by its Secretary to Government of India, Department of Economic Affairs, Ministry of Finance, North Block, Central Secretariat, New Delhi.
2. General Manager, Govt. of India, Security Printing Press, Mint Compound, Khairatabad, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. N. Rama Mohan Rao

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGS.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (AUDL.)

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

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ORDER

¶ As per Hon'ble Shri A.V.Haridasan, Member (Judl.) ¶

In this application filed under section 19 of the Administrative Tribunals Act, the applicant Mr. R.Satyanarayana working as Junior Checker in the Security Printing Press, Hyderabad, has prayed that the order dt. 29-8-90 of the 2nd respondent may be setaside as illegal, arbitrary and unconstitutional and that the respondents may be directed to regularise the services of the applicant from the date of his appointment in the unit of the 2nd respondent on transfer basis from Government of India Mint and accordingly fix the seniority strictly on that basis. Shorn of the details which are *(in fact are as follows:-)* not necessary, The applicant was selected and appointed as Junir Checker in the Security Printing Press, Hyderabad on 27-5-82. Prior to that he was serving in the Govt. of India Mint, Hyderabad. His selection and appointment made by order dt. 27-5-82 i.e., order No. I-9/82/ Annexure 1 to the OA was an adhoc basis pending finalisation of the recruitment rules. Thereafter in December 1988 the Security Printing Press, Hyderabad, Industrial Workmen (Unclassified Cadre) Recruitment (Amendment) Rules, 1988 was notified. Purportedly in accordance with the above said recruitment rules the respondents issued an order dt. 19-8-90 which is under challenge in which the applicant was placed at Sl. No.43 in the cadre of Junior Checker. The claim of the applicant is that he should have been regularly appointed w.e.f., the date of his initial appointment in the Unit. However, he has ~~prepared~~ the ^{Claimed} claim that in

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any event his seniority should have been reckoned from the date of which he started working in the unit in the same cadre even prior to the promulgation of the recruitment rules. Stating that the placement given to him in the annexure to the order dt. 29-8-90 does not conform to any principle and that persons who should have been placed below him have been placed above him in the above said annexure, ^{had} The applicant made a representation to the 2nd respondent on 18-9-90. No response was received to this representation and finding that the list the annexure to order dt. 29-8-90 is being acted upon as the seniority list the applicant has filed this application.

2. The respondents in their reply affidavit have contended that the date of commencement of service is not the only criterion, that the applicant has not ~~yet~~ been pushed down in the seniority below any person who have been selected after he was selected and those who have obtained more marks and that going by the allegations in the application the applicant does not have any legitimate grievance which requires redressal.

3. We have carefully gone through the pleadings and the documents on record. Rule 4.A. of the Security Printing Press, Hyderabad, Industrial Workmen (Unclassified Cadre) Recruitment (Amendment) Rules, 1988 reads as follows:-

"4.A. Initial Constitution: The workmen who were appointed to the posts of Head Checker, Senior Checker, Junior Checker, Senior Electrician, Examiner & Final Counter Class-II, Machine Minder-I, Machine Minder-II, Senior Machine Assistant, Junior Machine Assistant, Packer, Driver-cum-Mechanic and Mazdoor on adhoc basis prior to the date of commencement of the Security Printing Press, Hyderabad, Industrial Workmen (Unclassified Cadre) Recruitment Rules, 1988 shall be deemed to have been appointed to the respective posts on regular basis from the date of commencement of the Security Printing Press, Hyderabad,

Industrial Workmen (Unclassified Cadre) Recruitment Rules, 1988 if they are found to have been appointed to those posts on adhoc basis on the basis of nominations received from the Employment Exchange or who fulfilled the qualifications laid down in the regulations placed on the Employment Exchange/ India Government Mint."

By virtue of the above statutory provision the prayer of the applicant for a direction to the respondents to regularise the services of the applicant from the date of his appointment in the unit of the 2nd respondent cannot stand, because the applicant has not sought to challenge the vires of the said Rules. This was probably not done, because the Rule 4(A) was added by an amendment made in the year 1992. But we notice that no application seeking an amendment of the prayer incorporating a relief for quashing the afore said provision of the recruitment rules has been filed. Therefore because of these circumstances the applicant cannot in this application claim the relief as prayed for.

4. However on a careful consideration of the entire pleadings in the case and from what was told by the counsel on either side we are not sure whether the respondents have followed any reasonable principle in assigning seniority to the employees drawn from different sources. The reply statement filed by the respondents does not give any clear picture. In page 4 of the application the applicant has stated that some 17 persons who commenced their career after he was appointed have been placed above him in the tentative seniority list which was circulated ever earlier. There is no specific denial of this allegation though it has been stated in a general way that no person selected prior to the date which the applicant was appointed has been assigned seniority than the applicant. What is stated at the bar by the counsel on the

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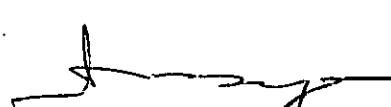
1. Secretary to Government of India, Department of Economic Affairs, Ministry of Finance, Union of India, North Block, Central Secretariat, New Delhi.
2. General Manager, Govt. of India, Security Printing Press, Mint Compound, Khairababad, Hyderabad.
3. One copy to Sri: N.Ram Mohan Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
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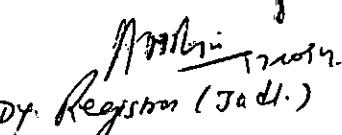
either side is that a final seniority list of the cadre in question has not yet been drawn up by the respondents. The representation submitted by the applicant against the order dt. 29.8.90 and annexure there to also has not yet been considered and disposed of. Under these circumstances while declining to grant the relief as prayed for by the applicant we are of the considered view that the application has to be disposed of with appropriate direction to the respondents to finalise the seniority list of the cadre of Junior Checker indicating the principle on which the same is done and to serve a copy there of on the applicant within a reasonable time frame.

4. In the result, the application is disposed of directing the 2nd respondent to finalise the seniority list of the cadre of Junior Checker in the Security Printing Press, Hyderabad taking into account the objections raised by the applicant in his representation dt. 18.9.90 within a period of 3 months from the date of communication of this order and to serve on the applicant a copy of the final seniority list so prepared within the aforesaid period of 3 months. If the applicant is further aggrieved by the placement in the final seniority list he will be at liberty to seek appropriate relief.


(A.B. Gorthi)
Member (Admn.)


(A.V. Haridasan)
Member (Judl.)

Dated : 28th September 1994.
(Dictated in Open Court)


Dy. Registrar (Judl.)

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