

(46)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

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O.A.No.1095/92

Dt.of order:18.9.95

Between

N.Nageswara Rao

.. Applicant

and

1. Union of India, rep by  
Secretary, Min. of Defence  
New Delhi-1.
2. Chief of Naval Staff  
Naval HQrs, New Delhi-66.
3. Director General,  
Armament supply RK Puram  
New Delhi-22.
4. General Manager,  
Naval Armament Depot  
Visakapatnam 530 009
5. MP Cherian  
Foreman(Factory)  
Naval Armament Depot  
Visakapatnam.530 009.

Counsel for the applicant :: Mr TVVS Murthy for  
Mr T.Jayant

Counsel for the respondents:: Mr N.R.Devraj, Sr.CGSC

CCRAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER(ADMN)

ORDER

As per Hon'ble Shri Justice V.Neeladri Rao, Vice-Chairman

Heard Shri TVVS Murthy, learned counsel for the applicant and Shri N.R.Devraj, Standing Counsel for the respondents.

2. This CA was filed praying for a direction to R1 to R4 to determine the seniority of the applicant herein in the seniority list of Foreman(Factory) as on 31.1.1992 in accordance with law with consequential benefit of promotion to the post of Senior Foreman(Factory) by declaring the impugned order No.VAE/1204 dated 24.9.92 of R4 as illegal, null and void.

3. The applicant initially joined as Senior Chargeman (Factory) in the Naval Armament Depot, Visakapatnam, on 2.1.1980 on casual basis and his services in the said category was regularised with effect from 15.6.1983. R5 ~~herein~~ and the applicant herein were promoted as Foremen(Factory) in the year 1986. While so, in the seniority list of Senior Chargeman(Factory) dated 15.12.89, (annexed at A-11 to the OA) their seniority were shown as 2 and 7 respectively.

4. The contention for the applicant is that as R5 and others who are shown at Sr.Nos.3 to 6 in the said seniority list for the year 1986 at Annexure A-11, were promoted to the post of Senior Chargeman along after the applicant was appointed on casual basis, ~~and hence,~~ he should be shown above them by reckoning his seniority in the grade of Senior Chargeman from the date of his initial appointment on casual basis. It is further

submitted for the applicant that when some of the employees in the Eastern Naval Command approached this Tribunal praying for reckoning seniority from the date of initial appointment on casual basis, the same was acceded to.

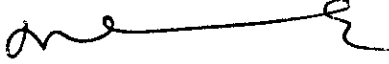
5. The Naval Headquarters letter dated 20.5.83 at Annexure-II relied upon by the applicant does not support the contention that the seniority has to be reckoned from the date of appointment on casual basis. It merely states that the period from 1.4.1979 followed by regularisation has to be allowed to count for determining the eligibility for the purpose of promotion to the next higher grade. But, thereby it cannot be inferred that the period before regularisation has also to be counted for determining seniority. But, as the date of regularisation of the applicant in the post of Senior Chargeman is subsequent to the date of promotion of R5 and other promotees referred to above, the applicant cannot claim seniority over them in the cadre of senior chargeman and thereby, he cannot claim seniority over them in the cadre of Foreman, even assuming that the seniority in the cadre of senior chargeman is relevant for determining the panel position in the promotional post of Foreman.

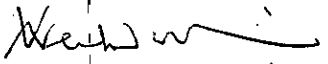
6. But, in order to avoid distortion, we feel it proper to give a direction to R1 to R4 to revise the seniority of the applicant, if any junior of the batch of the applicant amongst the direct recruits was given seniority basing on the date of

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appointment as Senior Chargeman on casual basis  
in pursuance of the directions of this Tribunal.

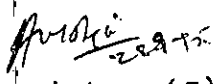
7. OA is ordered accordingly. No costs.//

  
(R. RANGARAJAN)  
Member (Admn)

  
(V. NEELADRI RAO)  
Vice Chairman

Dated: The 18th September, 1995

Dictated in the open court

  
Deputy Registrar (J) CC

mvl

To

1. The Secretary, Union of India,  
Ministry of Defence, New Delhi-1.
2. The Chief of Naval Staff  
Naval HQrs, New Delhi-66.
3. The Director General, Armament Supply  
RK Puram, New Delhi-22.
4. The General Manager, Naval Armament Depot,  
Visakhapatnam-9.
5. One copy to Mr. T. Jayant, Advocate, CAT. Hyd.
6. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm.

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COMPALED 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 (ADMN)

DATED:- 18 - 9 - 1995.

~~ORDER~~ JUDGMENT.

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

in

O.A.No.

1095/92

T.A.No.

(W.P. )

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.

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