

63

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 1104/92

DATE OF JUDGMENT: 18-09-95.

BETWEEN:

K. Papa Rao

.. Applicant.

Vs

1. Union of India, Rep. by the
Secretary, Min. of Defence,
New Delhi-1.
2. Chief of Naval Staff,
Naval Headquarters,
New Delhi-110 066.
3. Director General, Armament Supply,
R.K.Puram, New Delhi-110 022.
4. General Manager, Naval Armament
Depot (NAD), Visakhapatnam-09.
5. A. Ananda Rao

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI T. Jayant

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj,
Sr. Lecturer, CGSC.

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, V.C.)

Heard Sri T. Jayant, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. This OA was filed praying for a direction to R-1 to R-4 to determine the seniority of the applicant in the seniority-list of Foreman (Factory) on 31-1-1992 in accordance with law with consequential benefits of promotion to the post of Foreman (Factory) by declaring the impugned order No.AS/2410 dated 7-8-92 passed by R-3 as illegal, null and void.

2. The applicant and R-5 joined as Torpedo Mechanic in Eastern Naval Command, Visakhapatnam, on 8-7-1971. While it is stated for the applicant that in the said category he was shown above R-5, it is submitted for R-1 to R-4 that R-5 was above the applicant in the above category. Both of them were promoted as Senior Chargeman on temporary basis on 10-10-1979 and their probation ^{was} declared on 19-10-1981. The applicant was shown below R-5 and Sri K.N. Verma (Direct Recruit) to the post of Senior Chargeman in the seniority list of Chargeman. The applicant made a representation on 19-5-1982 stating that he had to be shown above R-5, Sri K.N. Verma.

4. R-5, Sri K.N. Verma and the applicant were promoted as Foreman as per select list dated 30-3-83 (Annexure A-8) wherein they were shown at serial Nos 4, 5 & 6 respectively. By letter dated 7-8-92 the applicant was informed that in the seniority list of Foreman he was shown below R-5 and Sri K.N. Verma as per the panel position in the select list for Foreman. Being aggrieved he filed this OA.

5. The Recruitment Rules for the posts of Senior Foreman, Foreman, Sr. Chargeman etc. as per SRO.302 dated 31-10-1972

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To

1. The Secretary, Min. of Defence, New Delhi.
2. The Chief of Naval Staff, Naval Head Quarters, New Delhi - 110 066.
3. The Director General, Armament Supply,
R.K.Puram, New Delhi.
4. The General Manager, Naval Armament Depot, (NAD),
Visakhapatnam - 9.
5. One copy to Mr. T. Jayant, Advocate, CAT, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

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are produced for the respondents. The said SRO discloses that the promotion to the posts of senior Chargeman, ^{and} Foreman is ~~also~~ on the basis of selection. Ofcourse it is not evident as to whether ~~it is considered~~ ^{of those} either promotion is by way of merit-cum-seniority or by merit only. ~~It~~ ^{is} is on the basis of merit-cum-seniority gradings which will be given at the time of selection, and the seniority will have a bearing in fixing the interse seniority of those who got the same gradings. But if it is only on the basis of merit wherein the panel position is given on the basis of marks secured, seniority will not have bearing.

6. The plea of the applicant is that he was senior to R-5 ^{and} Sri K.N. Verma, even in the category of Senior Chargeman, in regard to which the seniority list was published even in 1982. Infact the applicant submitted representation dated 19-5-1982 claiming that he had to be shown as senior to R-5 and Sri K.N. Verma. But he had not chosen ^{to challenge} the seniority list in the category of senior Chargeman by moving the Court/Tribunal till they are promoted as Foreman. Hence, we feel it not a case to consider the stale claim of the applicant when he approached after about a decade. Further no rejoinder was filed ^{when} ~~where~~ it is categorically alleged in the reply statement that R-5 is senior to the applicant even in the post of Torpedo Mechanic.

7. Hence, this DA is dismissed on the grounds of laches.
No costs. //

CERTIFIED TO BE TRUE COPY

.....
Court Officer
Joint District Tribunal
..... Bench
.....

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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. 1104/92

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.

No Spare Copy ✓

