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

O.A.NO. 556/92

DATE OF JUDGMENT: 17-4-95

BETWEEN:

V. Samudram

Applicant

and

1. The Chief of Naval Staff
Naval HQ., New Delhi

2. The Flag Officer Commanding-in-chief
Eastern Naval Command
Visakhapatnam

3. The Admiral Supdt.
Naval Dockyard
Visakhapatnam

4. The Administrative Officer
Naval Dockyard (V)
Visakhapatnam 14

Respondents

COUNSEL FOR THE APPLICANT: SHRI MP Chandramouli, Advocate

COUNSEL FOR THE RESPONDENTS: SHRI NR Devaraja
Sr./Addl.CGSC

CORAM:

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

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

CONTD.....

Judgement

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

Heard Sri M.P. Chandramouli, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. This OA was filed praying for setting aside the order No.PIR/1106/Rep. dated 16-7-91 passed by R-3, by holding it as illegal, void and for consequential direction to the respondents to consider the case of the applicant for promotion to the post of HSK Grade II and promote him with effect from the date on which his juniors M/s P. Appa Rao, K. Tata Rao, and B. Yella Rao were promoted.

3. The dates of appointment and regularisation in the category of Unskilled in regard to S/sri B. Yellarao, K.Tata Rao, P. Apparao and the applicant are as under :

SlNo. Name & token No.	Date of appointment as USL	Date of regularisation of services
S/Sri		
1. B. Yella Rao (SC) T.No.1026	01-6-1971	01-6-1971
2. K. Tata Rao T.NO.1358	04-4-1974	01-6-1974
3. P. Appa Rao T.No.1304	22-2-1974	01-6-1974
4. V. Samudram T.No.1832	01-8-1974	12-8-1977

It is stated for the respondents that Sri B. Yella Rao, K. Tatarao, and P. Apparao, ^{were} promoted to the category of SSK (Semiskilled) on 6-11-73; 1-1-80; and 1-1-80 respectively. and they were further promoted to the post of Sail Maker Semi Skilled (SK) with effect from 15-3-1983.

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4. The case of the applicant is that as he was promoted to the post of Sail Maker (SK) on 2-3-1983 he is senior to S/Sri Yella Rao, Tatarao, and Apparao, referred to above and hence the promotion of above three to the post of HSK Gr.II as per impugned order without considering his case for promotion to HSK Gr.II is illegal and void.

5. But in the counter it is stated that the applicant was promoted to the post of Sail Maker (SK) on 2-3-1983 on casual basis and he was regularly appointed to the said post with effect from 31-3-1984 while Yella rao, Tata rao, and Appa rao, referred to above were regularly promoted to the post of Sail Maker (SK) on ¹⁵⁻³⁻¹⁹⁸³ ~~16-3-1984~~ and hence they are seniors to the applicant even in the category of Sail Maker and as such the plea of the applicant that he is senior to the above three in the category of Sail maker is not tenable.

6. The applicant is relying upon the qualifying list for Tailors, Sailmakers, Upholsters, and ~~lather~~ father workers (page 6 of the material papers) to urge that the applicant is shown senior to M/s Yella Rao, Tata Rao, Appa Rao and hence the plea of the respondents that they are seniors to the applicant in the category of SSK is not correct. Token numbers are given in page 6 of the material papers. The token number of the applicant is 1832 while the token numbers of Yella Rao, Tata rao, and Appa Rao, are 1025; 1358; and 1304 respectively (vide page 5 of the counter). It is true that in page 6 token number of the applicant was shown above the token numbers of Tatarao and Apparao. ^{with} ~~With~~ reference to 1984 September, and that of Yello~~ao~~ was with reference to December, 1986.

7. It is stated for the respondents that the list referred to at page - 6, ~~is~~ is only in regard to the eligibility list

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i.e. eligibility in regard to HSK II and it is not a seniority list. In fact even in the list at Page 6 it is referred as qualifying list. Hence on that basis it cannot be stated that the list at page 6 is a seniority list.

8. The applicant is again relying upon the Civil Estt. Order dated 31-12-82 at page 18 of the material paper wherein it is shown that the applicant was appointed in the vacancy which had arisen from 2-12-1982 to 28-2-1983 while Sri Appa Rao was appointed in a vacancy which had arisen on 13-12-1982 in the post of Sailman on casual basis. On that basis it was urged for the applicant that ^{as in} ~~the~~ fact ~~that~~ he was appointed earlier to Sri Appa Rao on casual basis the applicant should be treated as senior to Sri Appa Rao. There is fallacy in this contention. Sri R. Appa Rao referred to at page 8 is having token number 1786 while Sri P. Appa Rao referred to in the OA and the counter is having token no. 1304. Thus, Sri R. Appa Rao referred to at page 8 is different from Sri P. Appa Rao, referred to in the ~~list~~ ^{OA}.

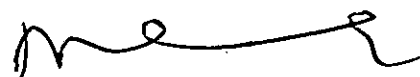
9. Further the Civil Estt. Order referred to at page 8 of the material paper of the OA goes against the case of the applicant ^{for} ~~that~~ therein Sri Tata Rao was referred to above the applicant, and the appointment of Tatarao to the post of Sail maker is not referred to as on casual basis, ^{while} ~~while~~ the appointment of the applicant as sail maker is referred to as on casual basis.

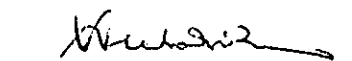
10. It is not known as to why the date of promotion of the applicant to SSK was not referred to in page 5 of the counter while the date of promotion of Sri Yellarao, Tatarao and Appa Rao ^{to SSK} were referred to in that page. If the same was referred to and if the applicant ~~has~~ nothing to challenge the ^{settled} date of ^{his} promotion to SSK, then there would not have been even any

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^{for arguments for}
scope ~~by~~ the applicant. Be that as it may, as it is clearly shown that Sri B. Yella Rao, K. Tatarao and P. Appa Rao are seniors to the applicant in the category of unskilled and ^{as} it is not averred for the applicant that they were superceded by him in promotion to SSK and as even ~~in~~ page 8 of the material papers to the OA suggest, that the regular promotion of Sri Tata Rao to the post of Sail maker is earlier to that of the applicant, we feel it not a case where respondents can be directed to produce relevant record about the ~~date~~ of regular promotion ~~of~~ the applicant to the post of SSK.

11. It has to be stated in view of the material on record that the applicant ~~has~~ not substantiated that he is senior to ^{W/S} Yella Rao, Tatarao, and Appa Rao in the category of Sail Maker (SK) and hence the impugned order whereby the above three were promoted to HSK Gr.II while the applicant was not promoted to the said post by the date of the OA, this OA fails. Accordingly it is dismissed. No costs./


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : April 17, 95
Dictated in Open Court


Deputy Registrar (J) CC

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To

1. The Chief of Naval Staff, Naval HQ, New Delhi.
2. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4. The Administrative Officer, Naval Dockyard (V) Visakhapatnam-14.
5. One copy to Mr. M.P. Chandramouli, 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.

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