

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

DA 673/92.

Dt. of Order: 25-4-95.

1. V.Sivakumar	11.M.P.Ramesh Babu
2. U.M.Rao	12.B.Nooku Naidu
3. P.Babu Rao	13.A.Rama Murthy
4. D.S.N.Murthy	14.B.Mohana Rao
5. USVVN Raju	15.G.K.Naidu
6. GVS Narayana	16.K.Nirmala Rao
7. K.Appa Rao	17.T.Ganga Raju
8. CHVST Kumar	18.D.Kondala Rao
9. D.Venkata Rao	19.S.G.K.Murthy
10.J.N.S.Sharma	20.R.Ramana

... Applicants

Vs.

1. The Union of India rep. by its Secretary, Ministry of Defence, New Delhi.	
2. The Chief of Naval Staff, Naval Head Quarters, (for D.L.S), New Delhi.	
3. The Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.	
4. Sri D.Rama Rao	8. R.S.Dahiya
5. G.S.Pagare	9. M.J.Thoma
6. Sri LL Rodrigues	10.G.Goapala Krishna Pillai
7..B.Tirupathi Rao	

... Respondents

* * *

Counsel for the Applicants : Shri M.P.Chandramouli

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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DA 673/92.

Dt. of Order: 25-4-95.

(Order passed by Hon'ble Justice Shri V.Neeladri Rao,
Vice-Chairman)

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The seniority list as per proceedings No. SE/2076
dt. 11/12-3-92 is assailed in this Original Application.

2. The posts of Store Keeper in Naval Dock Yard, Visakhapatnam
have to be filled up by promotion and direct recruitment in the
ratio of 7:1 and out of every eight vacancies, the first 7 go to
promotees and the last one is for direct recruitment. The appli-
cants as in-service candidates, applied for the 1981 and 1982
vacancies in the category of Store Keeper for which action was
initiated in 1984. The selection for the said vacancies was made
in the same year and the names of the applicants were included in
the select list. It is stated that in view of the ban, the
appointments on the basis of the said selection were not immediately
given, and ultimately the orders of the appointment in regard to
them were issued in December, 1986. The seniority list of Store
Keepers in this Naval Dock Yard was prepared on 1-12-89 by following
the principles laid down in O.M. dt. 7-6-73. In the seniority list
dt. 1-12-1989, it was stated that the same had to be circulated to
all the concerned for verifying correctness or otherwise of the
entries made therein.

3. Later draft seniority list dt. 15/21-10-91 Annexure-5
was issued by following the OM No. 35014/2/30-Estt(D) dt. 7-12-86.
While rule of rotation was referred to in OM dt. 7-6-73, the/ ment
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is referred to as criteria in OM dt.7-12-86 for fixation of seniority. Accordingly the applicants had lost places as referred to in page-1 of the material papers in this O.A., on the basis of the draft seniority list dt.15/21-10-91. Feeling aggrieved, they submitted the objections in November, 1991. But even then the draft seniority list dt.15/21-10-91 is made final on 12-3-92.

4. The OM Dt.7-2-86 had come into effect from that date. But para-7 therein, on which reliance is placed by the applicants, reads as under :-

"7. These orders shall take effect from 1st March, 1986, Seniority already determined in accordance with the existing principles or the date of issue of these orders will not be reopened. In respect of vacancies for which recruitment, action has already been taken, on the date of issue of these orders either by way of direct recruitment or promotion, seniority will continue to be determined in accordance with the principles in force prior to the issue of this O.M." (Emphasis is supplied).

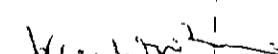
Basing on the same, Sri M.P.Chandramouli, learned counsel for the applicants states that as the recruitment in regard to the applicants was initiated long prior to the date of the above O.M., The said O.M. is not applicable and hence the seniority has to be fixed on the basis of the O.M. dt.7-6-73) even though their ~~was~~ actual appointments to the posts of Store Keeper ~~was~~ were subsequent to 7-2-86, the date of the O.M. on the basis of which the impugned seniority list dt.12-3-92 was finalised.

5. There is no ambiguity in para-7 of the OM dt.7-2-86, wherein it is stated that the said O.M. is not applicable in regard to the appointments made on or after 7-2-86 in regard to the vacancies for which the steps for recruitment ^{were} initiated even prior to 7-2-86. It is not in controversy that though these applicants were appointed as Store Keepers subsequent to 1986, the said appointments were in pursuance of the selection that was made in 1984. As such O.M.dt.7-2-86 is not applicable for fixation of seniority in regard to those applicants and accordingly the seniority had to be fixed as per OM dt.7-6-73.

6. Accordingly the impugned seniority list dt.12-3-92 to the extent of the placements of these applicants is set aside, and their seniority has to be fixed on the basis of the O.M.dt.7-6-73.

7. The Original Application ordered accordingly. No costs.


(R. RANGARAJAN)
Member (A)


(V. NEELADRI RAO)
Vice-Chairman

Dt. 25th April, 1995.
Dictated in Open Court. Deputy Registrar (J) CC

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To

1. The Secretary, Union of India, Ministry of Defence, New Delhi.
2. The Chief of Naval Staff, Naval Head Quarters,
(for D.L.S.) New Delhi.
3. The Flag Officer, Commanding-in-Chief, Eastern Naval
Command, Visakhapatnam.
4. One copy to Mr. M.P. Chandramouli, Advocate, CAT.Hyd.
5. One copy to Mr. N V. Ramana, Addl. CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEEENDRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M(ADMN)

DATED - 25/4/1995.

~~ORDER/JUDGMENT:~~

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

O. A. No.

673/92
in

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.

No Space copy

