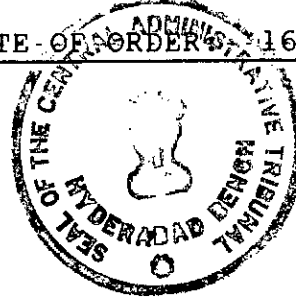


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 835 OF 1994

DATE OF ORDER: 16th June, 1997



BETWEEN:

1. MRS SUBRAMANYAM,
2. K. MOHAN,
3. G. SAIBABA,
4. K. ANNAPURNA,
5. M. SANTHA,
6. V. ASHOK BABU

.. APPLICANTS

AND

1. The Scientific Advisor to Raksha Mantri and
the Director General, Research & Development,
South Block, New Delhi,
2. The Director,
Defence Electronics Research Laboratory,
Chandrayangutta, Hyderabad,
3. Shri Kailasa Chandra.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr. S. LAKSHMA REDDY

COUNSEL FOR THE RESPONDENTS: Mr. V. BHIMANNA, Addl. CGSC

CORAM:

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

HON'BLE SHRI B. S. JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI B. S. JAI PARAMESHWAR,
MEMBER (JUDL.))

None for either side. As the application was filed in 1994, we are not inclined to adjourn this OA. Hence, we are deciding the OA on the basis of the material placed on record in accordance with the Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

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revise the seniority list by showing them as seniors to the 3rd respondent as per the original seniority list published on 1.11.89 and to grant the consequential benefits of upgradation of pay scales in accordance with the original seniority list dated 1.11.89.

4. A reply has been filed stating that in the Defence Research and Development Organisation (DRDO), the posts of Senior Scientific Assistant were filled up 1/3 by direct recruitment and 2/3rd by promotion and as such the quota/rota rule was applied for maintaining the seniority between the direct recruits and the promotees, that all the applicants were promoted to the grade of Senior Scientific Assistants on the basis of the DPC held on 15.9.87, that the 3rd respondent Shri Kailash Chandra was a direct recruit to the post of SSA by a Selection Board on 15.4.87, that the names of the applicants as well as the 3rd respondent in the seniority roll dated 3.11.89 was not correctly reflected, that the said seniority is enclosed at Annexure R-1 to the reply, that in the seniority roll, Shri Kailash Chandra (R-3) was shown junior to the applicants as the seniority was fixed based on rotation of vacancies that while circulating the said seniority roll, all the laboratories/establishments of the DRDO were requested to verify the entries in the roll from the relevant documents such as selection board/DPC proceedings etc. and to intimate the discrepancies, if any, to rectify the same, that it was brought to the notice that SSAs of NCML, Bombay - a laboratory under the DRDO promoted by the DPC held on 16.3.87 were not reflected in the seniority roll issued in June

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consequential benefits. In the meanwhile the respondents published the seniority list on 11.6.91. In the said seniority list the Respondent No.3 was shown at Sl.No.1249 and the applicants were shown at Sl.Nos. 1250, 1251, 1255, 1253, 1258 and 1256. It is submitted that they made representation on 6.1.93 complaining about the alteration of seniority and for rectification. The 2nd respondent gave reply on 23.2.93 informing that the individuals promoted on the basis of the DPC held on a particular date as slotted together on the basis of their seniority in the lower grade without disturbing their panel seniority in the lower grade and in the grade of Senior Scientific Assistant and further stating that there is no amendment required to be made in the seniority list. It is further submitted that against such reply they preferred an appeal to the 1st respondent on 23.12.93 and their appeal was considered and replied through the letter dated 3.6.94 stating that the seniority between the direct recruits and the promotees has been fixed in the ratio prescribed in the rules and no amendment was required to be made in the seniority list. It is further stated that they have not extended the benefit of upgradation of scales to them on the ground that the 3rd respondent was not junior to the applicant as per the seniority list dated 11.6.91 though in respect of other applicants the judgement was implemented.

3, Hence the applicants have filed this OA to declare the action of the respondents in rejecting their representation for rectification of the seniority through the impugned order dated 3.6.94 and confirming the seniority list dated 11.6.91 showing them as juniors to the 3rd respondent is totally arbitrary, illegal and without jurisdiction and consequently direct the respondents to

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3rd respondent. The 3rd respondent belongs to SC category and is a direct recruit. He was recruited by the Selection Board on 15.4.87. The applicants were promoted to the grade of SSA on the basis of the DPC held on 15.9.87. Therefore, the applicants cannot claim to be seniors to the 3rd respondent. Further, it is submitted that the persons promoted to the category of SSA in NCML, Bombay on the basis of the DPC held on 16.3.87 were not included in the seniority list of 1989 erroneously and that when it was brought to the notice, they were included and, therefore, as a consequence of their inclusion in the seniority list dated 11.6.1991 the applicants were brought down. The applicants were promoted on the basis of the DPC held on 15.9.87. All those employees who were promoted to the post of SSA earlier to 15.9.87 are in fact seniors to the applicants. It is submitted that the seniority list of 1989 did not reflect the true state of affairs and, therefore, the seniority list of 1991 was corrected and by inclusion of certain SSAs who were promoted earlier to the applicants, the applicants were brought down.

6. The applicants have not chosen to file any reply to the counter. The respondents have explained the circumstances under which they were forced to bring down the applicants in the seniority list published on 11.6.91. In fact the seniority of the 3rd respondent has not been changed since the beginning. He was recruited by the Selection Board on 15.4.93, much earlier to the promotion of the applicants. The change in the seniority was necessitated on account of inclusion of the SSAs of NCML, Bombay who were promoted to the post of SSA on the basis of

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1991, that a copy is at Annexure R-1, that since these SSAs were promoted prior to the applicants, they were fitted in place of the applicants and the applicants were pushed down in the seniority whereas the 3rd respondent remained in his allotted place in the seniority roll and the change in the position of the applicants was necessitated due to the fact that SSAs promoted earlier to the applicants were given their rightful place whereas the respondent No.3 remained at the same earlier position, that SSAs of NCML, Bombay promoted by the DPC held on 16.3.87 but whose names were erroneously not included in the seniority roll of 1.11.89, were later included in the seniority roll of June 91, that the applicants who were promoted by a later DPC held on 17.9.87 were pushed down in the seniority whereas the 3rd respondent who was directly recruited held his position allotted to him as a direct recruit, that the applicants were explained that the seniority between the promotees is as per panel seniority whereas the seniority between the direct recruits and promotees are fixed based on the ratio prescribed in the recruitment rules, that the interse seniority between the direct recruits and the promotees is done based on the rota-quota system, that however the changes in the seniority list were necessitated to rectify an inadvertent error of omission of certain promotee SSAs of one of the DRDO Labs viz, NCML who were promoted earlier to the applicants and the seniority list dated 11.6.91 is perfectly in order and, that therefore, the OA be dismissed with costs.

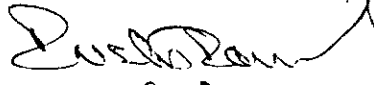
5. No doubt, in the seniority list published during November 1989 the applicants were shown as seniors to the

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the DPC held on 16.3.87. Therefore, we do not find any irregularity in the seniority list published on 11.6.91. The seniority list indicates that the applicants were shown at the right place.

7. Hence we find no merits in the OA. The OA is dismissed. No order as to costs.

प्रमाणित प्रति
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न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH