

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW-APPLICATION NO.21-OF-1995
in
ORIGINAL-APPLICATION NO.366-OF-1994

DATE-OF-ORDER: 16th June, 1997

BETWEEN:

A.T.NATARAJAN

.. APPLICANT

AND

1. Union of India represented by the
Secretary to the Ministry of Telecommunications,
New Delhi,

2. Smt. S.Q.Nasreen Quadri, E.E.,
Telecom, Barkatpura,
Hyderabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.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 R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri K. Venkateswara Rao for the applicant
and Shri N.R.Devaraj for the respondents.

2. The applicant in this OA has filed this review
petition for reviewing the judgement in the O.A. dated
19.1.95.

3. In fixing the seniority of the applicant, the
quota-rota rule was followed in accordance with

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O.M.No.9/11/55-RPs dated 22.1.59 of the Ministry of Home Affairs. The recruitment rule for recruitment of A.E.(Civil) in P&T Civil Wing was issued in 1976 providing for the quota-rota rule in the ratio of 1:1. As the applicant was posted as A.E. earlier to the promulgation of the recruitment rule~~s~~ in 1976, his seniority has to be fixed on the basis of his date of entry in the cadre and hence fixing him below the direct recruits recruited much later than him is not in order as there was no rule to do so when he was promoted on adhoc basis in 1971. The applicant submits that there is no rule or even executive order earlier to 1976 to follow quota-rota rule. Draft rules cannot be pressed into service to introduce the quota-rota rule. As the judgement in the OA dated 19.1.95 has not upholding the qota-rota rule in the absence of any recruitment rule prior to 1976, the review of the judgement is called for in the light of the above contention submits the learned counsel for the applicant.

4. The respondents have filed a reply dated 30.4.96. R-2 has also filed a reply on 13.3.97.

5. We have gone through the OA affidavits as well as the replies.

6. The judgment in the OA was issued after perusing the judgement in T.A.No.24/89, O.A. 1783/87 and batch delivered on 4.3.93 by the Principal Bench of this Tribunal. The applicant was a party in T.A. 24/89. The applicant also submitted similar contnetions in T.A. 24/89

also. After hearing the parties concerned, the judgement was delivered to revise the seniority list on the basis of that judgement. The revised seniority list which is impugned in this O.A. is on the basis of that judgement.

7. The present contention as raised in this R.A. is also one of the contentions raised by the applicant in the OA as can be seen from para 8 of the judgement. It has been stated in para 11 of the judgement that in the judgement dated 4.3.93 in T.A. 24/89 & batch, it was not argued that as the quota failed the date of regular of seniority. When the judgement in the OA has taken note of the judgement in TA 24/89 it is not correct on the part of the applicant to contend as above in the OA as well as in this R.A. However, the judgment in this OA has gone into the question whether the judgement dated 4.3.93 in TA 24/89 has been followed or not in preparation of the impugned seniority list impugned in this OA and came to the conclusion that the present impugned seniority list was strictly followed the dictums laid down in the judgement dated 4.3.93 and it was further held that "the contention of the applicant that rotation should not have been followed has to be repelled." as can be seen from para 12 in the judgement.

8. It has been clearly brought out in the judgement the reason for adhering to the O.M. of the Ministry of Home affairs dated 22.12.59. Hence, the contention that the quota-rota rule should not have been followed as there was no recruitment rule earlier to 1976 cannot be upheld.

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9. The contention in this R.A. is not a contention that can be raised in a Review Petition. If the applicant is aggrieved by the judgement, his remedy lies elsewhere but not in filing the R.A.

10. In view of the foregoing, this R.A. is dismissed as having no merits. No costs.

B.S.
(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)
11-6-90

M.E.
(R.RANGARAJAN)
MEMBER (ADMN.)
D.Y.K. *Aug 16/90*

vsn