

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1181/94.

Dt. of Decision : 28-07-97.

1. M.Satyam
2. P.V.Prasad
3. V.S.G.V.Prasadarao

.. Applicants.

Vs

1. The Secretary to Min.of Defence,
New Delhi.
2. The Chief of Naval Staff,
Naval Headquarters, New Delhi.
3. The Director General,
Defence Research and Development
New Delhi.
4. The Flag Officer, Commander in Chief,
Eastern Naval Command, Visakhapatnam.
5. The Flag Officer, Commander in Chief,
Western Naval Command, Bombay.
6. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.

.. Respondents.

Counsel for the applicants : Mr.S.Lakshma Reddy

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:

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

THE HON'BLE SHRI S.C. JAYARAMAN : MEMBER (ADMN.)

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ORDER

ORAK ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard ^MMr.S.Lakshma Reddy, learned counsel for the applicants and ^MMr.N.R.Devaraj, learned counsel for the respondents.

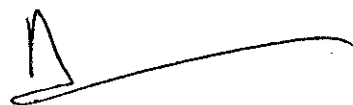
2. There are three applicants in this CA. They are working as Junior Scientific Officers at Naval Dockyard under R-6. Their next promotion is to the post of Sr.Scientific Officer Gr-I and promotion to that post is governed by S.R.O. 27 dated 31-12-79.

3. The applicant No.1 was appointed as Junior Scientific Assistant on 24-11-76 and he was promoted as Junior Scientific Officer on 27-08-84. The applicant No.2 joined as Junior Scientific Assistant on 19-11-76 and he was promoted as Junior Scientific Officer on 12-7-86. The applicant No.3 was promoted as Junior Scientific officer on 12-7-86. All of them claim that they had put in more than 8 years of service as Junior Scientific Officer and hence they are eligible for promotion as Sr.Scientific Officer Gr-I in accordance with the S.R.O. 27 dated 31-12-79.

4. It is now brought to our notice that by order No.10417/R.D., PERS.5/257/D(R&D) dated 28-1-86 that some of the posts of Sr.Scientific Officer Gr-I was decadred from the cadre of the Naval Dockyard and encadred as such under DRDS. Thus the applicants submit that their promotion chances to the post of Sr.Scientific Officer Gr-I has been affected very badly. They protested against the encadring of the post under R-3 in the DRDS organisation thereby causing hardship to them ^{their} ~~in~~ ~~the~~ promotion as Sr.Scientific Officer Gr-I.

5. This CA is filed praying for a declaration that the action of R-1 in issuing the impugned proceedings No.10417/R.D./PERS-6/257/D (R&D) dated 28-1-86 and consequential letter issued by R-2 dt.17-3-86 encadring 33 Group 'A' posts with R-3 and also subsequent encadrement of additional posts of Group-A Scientific Officers borne in Indian Navy with the DRDO as totally illegal, without jurisdiction, ultravires of powers of R-1 and contrary to the statutory rules framed

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under S.R.O. 27 dated 31-12-79 and also S.R.O. 8 dated 13-1-79 and for a consequential direction to the respondents to fill up all the posts of Sr.S.O.Gr-I and Principal Scientific Officer as per the statutory rules framed under S.R.O. 27 and for a further direction to promote the applicants to Sr.Scientific Officer Gr-1 with all consequential benefits such as arrears of pay, seniority etc.,

6. S.R.O. 27 dated 31-12-79 is enclosed as Annexure-I to the OA. The cadre ^{of} Sr.Scientific Officer Gr-I is one of the posts for which recruitment rules had been laid down in that SRO. It is not necessary for us to repeat the various recruitment rules incorporated for the post of Sr.S.O.Gr-I as it is already enclosed and it is available for perusal. The main grievance of the applicants in this OA appears to be that the post of Sr.S.O. in the Naval Dockyard is being taken out and encadared with DRDS. They further submit that the work done by them in the Naval Dockyard is supportive one to the DRDS and they are performing their duties. By encadaring those posts to DRDS no useful purpose will be served as those duties have to be got done by working in the Naval Dockyard only in view of the facilities available in Naval Dockyard. Hence they contend that the encadaring should not be done and the Junior Scientific Officer should be promoted in accordance with the SRO 27 and their claim for promotion to that posts should be considered forthwith if required reverting the posts from DRDS organisation.

7. When the OA was taken up for consideration the learned counsel for the applicants submitted that he is not insisting against the rules of encadaring the post in the DRDS and that he will take it up separately if the posts still continued with the later. However he submits that there are vacant posts of Sr.S.O.Gr-I now available in the Naval Dockyard and as the applicants herein are fulfilling the conditions as per recruitment rules SRO 27 for promotion to the post of Sr.S.O. Gr-I in the Naval Dockyard their cases should be considered for promotion forthwith. He further pointed out that no action for promoting them to the post of Sr.S.O. is taken up by

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9. The learned counsel for the applicants submitted that they should be considered for promotion from the date of occurrence^{ve} of vacancy of Sr. Scientific Officer Gr-I or atleast ~~fr~~^{re} from the date the OA was filed as the applicants are waiting for promotion for a long time and the respondents have not taken any action in this connection so far. But this request cannot be considered at this juncture by this Bench as there are no material available both in the affidavit as well as in the reply to come to a definite conclusio
 However, the applicants my submit a detailed representation for pre-poning of their promotions from an early date as requested by them as above and if such a request is received the respondents should consider the same in accordance with law.

10. With the above direction the OA is disposed of. No costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

28.7.97



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 28th July, 1997.
(Dictated in the Open Court)

Handwritten initials and signature
D.R. (J) 1

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 187/98 in O.A.1181/94.

Date of Order: 10-3-98.

Between:

- 1. The Secretary, Ministry of Defence, New Delhi.
- 2. The Chief of the Naval Staff, Naval Headquarters, New Delhi.
- 3. The Director General, Defence Research and Development Organisation (DRDC) Ministry of Defence, New Delhi.
- 4. The Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
- 5. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Bombay.
- 6. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.

..Applicants/Respondents.

and

- 1. Sri M.Satyam.
- 2. Sri P.V.Prasad.
- 3. Sri V.S.GV Prasad Rao.

.. Respondents/Applicants.

For the Applicants: Mr. N.R.Devraj, Sr.CGSC.

For the Respondents: Mr.S.Lakshma Reddy, Advocate.

CORAM:

THE HON'BLE MR. H.RAJENDRA PRASAD : MEMBER (ADMN)

The Tribunal made the following Order:-

None for the parties.

In view of the circumstances explained, 4 months time is granted from the date of filing of the M.A. i.e. 24-2-98 for implementing orders passed in O.A. 1181/94.

Thus the M.A. is disposed of.



Deputy Registrar

To

- 1. The Secretary, Ministry of Defence, New Delhi.
- 2. The Chief of the Naval Staff, Naval Headquarters, New Delhi.
- 3. The Director General, Defence Research and Development Organisation (DRDC) Ministry of Defence, New Delhi.
- 4. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
- 5. The Flag Officer, Commanding-in-Chief, Western Naval Command, Bombay.
- 6. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
- 7. One copy to Mr. N.R.Devraj, Sr.CGSC. CAT.Hyd.
- 8. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
- 9. One spare copy.

25/3/98

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TYPED BY
COMPALED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 10-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No. 187/98

in
O.A.No. 1181/94.

T.A.No. (W.R)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH
17 MAR 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH