

(231)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

HYDERABAD

OA 1421/94

Between

K.T.PLB. Sarma

Applicant

And

Union of India represented by

1. Flag Officer Commanding-in-chief
Headquarters, Eastern NavalCommand
Naval Base Post office,
Visakhapatnam-530014.
2. Admiral Superintendent
Naval Dockyard
Visakhapatnam-530 014.
3. Shri Padi Narasinga Rao,
Senior Foreman (PPC)
Manager (Kamorates) Deptt.
Blgs. 42-A, Naval Dockyard.
4. Shri K. Ganesh Kumar
Senior Foreman (PPC)
Mzage-74, CGS Dockyard,
Visakhapatnam-530 014.
5. Shri ;B. Jonnes
Senior Foreman (PPC),
Manager SUB) Department
Bldg. 42, Naval Dockyard,
Visakhapatnam-530 014.

Respondents

COUNSEL FOR THE APPLICANT

: Shri M. Balakrishna Murthy

COUNSEL FOR THE RESPONDENTS

: Shri N.R. Devaraj, CGSC

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

Hon'ble XXXXXXXX Shri R. Rangarajan, Member (Admn.)

(132)

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

JUDGEMENT

Heard Shri M. Balakrishna Murthy, learned
counsel for the applicant and also Shri N.R. Devaraj,
Senior learned/standing counsel for the Respondents.

2. This OA was filed by the applicant, praying
for a direction to the Respondents 1 & 2 herein
to revise the seniority roll published on 3-2-94
in accordance with this ~~honorable~~ Tribunal's orders
dated 16-12-1993 including the names of S/Shri
~~.....~~ promoted
as Sr. Foreman (PPC) along with others, protecting
seniority of the applicants -
Respondents 1 and 2 for consideration of his case
for promotion with effect from the date on which
..... including R3 to R5 were promoted with
all attendant and consequential benefits."

3. OA 974/90 was filed by Shri Y. Ranga Rao
..... over R8 to R14
therein. Therein the applicant herein was impleaded
as Respondent 5. The said OA was disposed of by
..... we observed that
R5 ~~.....~~ to R7 therein and Shri Konda Babu were
appointed in pursuance of the recommendations made/ met
..... the applicants therein
and R8 to R14 ^{therein} were considered for promotion to
the post of Formen by the D.P.C. which ^{therein}
we held therein that the applicants and R8 & R9 ^{therein}
have to be considered for the vacancies which existed
after filling up the four posts on the basis of ~~.....~~
..... in 1984. It is stated that accordingly
the cases of the applicants and R8 & R9 ^{therein}
were considered for the vacancies which existed in 1984, and they

53

were selected for those vacancies and the revised seniority list dated 3-2-94 was issued. As admittedly, R5 therein that is the applicant herein was senior to the applicants in OA 974/90, the name of the applicant herein was shown above the applicants and R8 and R9 in OA 974/90 in the seniority list dated 3-2-94. ~~herein~~ The applicant is not having any grievance in regard to the said seniority list of Foremen.// R3 and R4 herein are SC candidates. It is the case of the applicant that he should have been considered ~~when R3 and R4 herein~~ 31-1-94. It is now contended for the applicant herein that only two vacancies had arisen ~~then~~ one candidate. It is to be stated that it is not open to the applicant to challenge their promotions of ~~of~~ more than 4 years. Hence the said contention is disallowed on the ground of laches and also bar of limitation.

4. It is next contended for the applicant that as the names of R3 and R4 herein—that is Shri Padi Narsinga Rao and Shri K. Ganesh Kumar along with the OA 974/90, their names should have been shown in the revised seniority list of ~~.....~~ to the said contention. It is true that by the date of filing of OA 974/90 Shri Padi Narsinga Rao and Shri K. Ganesh Kumar were only in the cadre of Foremen and they were promoted to the post of Senior Foremen during the pendency of the OA 974/90. But they were not impleaded as Respondents in OA 974/90

34

4

--

Further it is also not a case where the applicants in OA 974/90 claimed seniority over Shri Padi Narsinga Rao and Shri K. Ganesh Kumar in the cadre of Foremen. But as by the date of filing of the said OA, they were only in the cadre of Foremen, their names were also shown in the seniority list of Foremen that was filed along with the OA. But when by 3-2-94, the date of Revised seniority list, Shri Padi Narsinga Rao and Shri Ganesh Kumar were already promoted and thus they were not in the cadre of Foremen, their names were not shown in the said seniority list. Thus there is no irregularity or illegality when their names were not shown in the seniority list of Foremen published on 3-2-94 especially when their seniority was not challenged in OA 974/90.

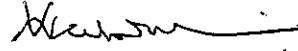
when 4 vacancies in the category of Senior Foremen had arisen in 1994, 2 O.C candidates, R5 and S.C candidate and another SC candidate who has expired were promoted. In regard to the Reserved candidates, the promotion of the reserved candidates can be to a maximum of 50% of the vacancies. Thus there is no infirmity to the posts of Sr. Foremen in 1994.

6. It is urged for the applicant that if the category of Foremen, as per the seniority list of Foremen published on 3-2-94 and on that basis their promotions to supernumerary posts and thereby consequential vacancies should have been shown as 6, and in such a case the applicant would have got 4.

33

sametime when R5 herein and 3 others were held there was promoted. As we held that no challenge with regard to seniority of R3 & R4 herein in the category of Foremen and when their promotions as Senior Foremen 1991 were not challenged, there will not be any occasion to create supernumerary posts to accommodate R3 & R4 herein and to take ~~take~~ on 2 vacancies of Sr. Foremen in 1991 to the 4 vacancies of Sr. Foremen in 1994.// It is needless to say that R1 & R2 have to follow the seniority list of Foremen published on 3-2-94 and also the rules of reservation and also the rules of selection for consideration for promotion to ~~to~~ Senior Foremen that may arise, and then the case of the applicant ~~will~~ ^{has to} be considered when his turn comes. In the result, the OA does not merit consideration and accordingly it is ~~not~~ ^{not} the admission stage itself. No costs.//


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 25th November, 1994
Open court dictation.

NS


Deputy Registrar (J)CC

To

1. The Flag Officer, Commandant, Naval Base Post Office, Union of India, Visakhapatnam-14.
2. The Admiral Superintendent, Naval Dockyard, Visakhapatnam-14.
3. Sri Padi Narasinga Rao, Sr. Foreman (PPC)
Manager (Kamorates) Dept., Bldg. 42-A, Naval Dockyard,
Visakhapatnam-14.
4. Sri K. Ganesh Kumar, Sr. Foreman (PPC)
Manager (SSS), Sr. Foreman (PPC) Manager (SUB) Dept.,
Bldg. 42, Naval Dockyard, Visakhapatnam-14.
6. One copy to Mr. M. Balakrishna Murthy, Advocate,
49-35-27, Abidnagar, Akkayyapalem, Visakhapatnam-16.
7. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

pvm

• TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIB.,
HYDERABAD BENCH AT HYDERABAD

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

AND

----- **ANITA RANGARAJAN : M(ADMIN)**

DATED: 25-11-1994

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

in

T.A.No.

(w.p.)

Admitted and Interim directions

Allowed.

Disposed of with directions

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

p VIII

228 Park Copy

