

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A.No.1484 of 1994

Date of Order - 17th October, 1997.

Between :

1. A. Nageswara Rao, Foreman,
2. D. Viswanadha Raju, Foreman
3. P.V.Thrinadha Chary, Assistant Foreman
4. V. Ramakrishna Rao, Assistant Foreman
5. P. Janardhana Rao, Assistant Foreman

in the office of the Naval Science
and Technological Laboratory (NSTL),
Visakhapatnam.

... Applicants

And.

- Secretary, Research and Development
Organisation, Sena Bhavan,
Ministry of Defence, New Delhi.
2. Scientific Adviser to Raksha Mantri
and Director General, D.R.D.O.,
Ministry of Defence, New Delhi.
 3. Director, Naval Science and
Technological Laboratory (NSTL),
Visakhapatnam.
 4. K. Raja Kumar, son of not known,
51 years, working as Foreman,
Office of N.S.T.L., Visakhapatnam.
 5. K. V. S. Raju, working as Foreman, aged about
43 years, Office of N.S.T.L., Visakhapatnam.
 6. M. Koteswara Rao, son of not known,
aged 46 years, working as Foreman,
Office of N.S.T.L., Visakhapatnam.
 7. K. Appa Rao, son of not known, aged about
43 years, working as Foreman,
Office of N.S.T.L., Visakhapatnam.
 8. J. V. S. Raju, son of not known,
Working as Foreman, Office of
N.S.T.L., Visakhapatnam.

.... Respondents

Counsel for the applicants - Mr. S. Lakshma Reddy

Counsel for the respondents - Mr. M.R. Devaraj, SrCGSC.

subsequently as also the statutory provisions and therefore, the seniority assigned now to the applicants has to be reviewed. The second contention of the applicants is that on facts also the seniority of the applicants has not been fixed properly. Hence they submit that the seniority list needs to be reviewed by the respondent - authorities.

Five applicants in this O.A.

The facts of each case are different. Applicants

1 and 2 joined as Chargeman Grade 7 and applicants 3 to 5 joined in lower grade in different

disciplines. Hence we think that combining of all

the cases for the purpose of fixation of seniority of the applicants may not lead us to give

any fruitful decision. In a seniority dispute, facts

of each case vary from one another and in such cases

certain rules are to be interpreted

and decided. In this case, there were number of

instructions in regard to the cadre structure. Prior

to 1.1.1973, the Precision Mechanics were in the

scale of pay of Rs.205-280/- and the cadres of Tool

Maker and Senior Electricians were in the scale of pay

of Rs.150-240/- and the Precision Mechanic post was a

promotional post for Tool Maker and Senior Electrician
by order of Third Pay Commission, SRO 26-E/73

was issued whereby all the lower categories, such as,

Precision Mechanics, Tool Makers, Senior Electricians

and other such posts were brought to the scale of pay of

Rs.200-560/- by order of Third Pay Commission, SRO 26-E/73 was issued whereby

the recruitment rules to all the above categories of

posts were amended and all the posts were clubbed together

and put in the scale of pay of Rs.380-560/-. Subsequently

in the year 1981 SRO 87/77 was issued. By this SRO, the

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Respondent No.7 joined as Turner Mate, Thereafter he was promoted as Turner, Precision Mechanic, Chargeman Grade II, Chargeman Grade I, Assistant Foreman and Foreman. Respondent No.8 joined as Welder Mate. Thereafter he was promoted as Welder, Precision Mechanic, Master Craftsman, Chargeman Grade II, Chargeman Grade I, Assistant Foreman and Foreman. The dates of entry of the private respondents into various grades are also given in the comparison chart.

3. The applicants submit that they are shown junior to respondents 4 to 8 in the grade of Assistant ~~Foreman~~ irregular. Hence they pray for showing them senior above respondents 4 to 8 in the seniority list by setting aside the impugned order / proceedings dated 11.4.1994 passed by the first respondent and the Daily Order part-II dated 19.7.1994 issued by the ~~first respondent~~ impugned violative of principles of natural justice and Articles 14 and 16 of the Constitution of India and for all consequential and monetary benefits. They further submit that the impugned order / proceedings dated 11.4.1994 and 19.7.1994 were issued while implementing the orders of the Central Administrative Tribunal, Bangalore Bench in O.A.No.600 of 1991, and thereby their seniority position had been lowered down. This O.A. is filed for the aforesaid reliefs.

4. The main contention of the applicants in ~~that~~ that the Bangalore Bench of this Tribunal in its judgment had erred in taking a decision by unfairly following the various directions given by the apex Court



position where the applicants will be placed in their order.

7. The applicants have filed a rejoinder stating certain facts which may also be taken into consideration by the respondents while considering the representations of the applicants.

8. In view of what is stated above, as is evident from the facts of this case and the on record, we are of the considered opinion that each individual applicant should submit a detailed representation stating his seniority as per his view and that representation should be disposed of by the respondents. If any of the applicants is aggrieved by the order / reply to be given by the respondents, then he may take, if so advised, such action as he may deem fit to take, him in law.

9. In the result, the following direction is given :
The applicants individually should submit a detailed representation to the concerned respondent-authorities for fixing their seniority as per their view point within a period of two months from the date of receipt of a copy of this order. If such a representation is received by the concerned authority, the same should be disposed of within three months from the date of receipt of the representation giving detailed reasonings for fixing their seniority keeping in view the above observations made in this order.

10. With the above directions, the O.A. is disposed of.
No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE
M. M.
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

कल ००५१	CASE NUMBER... ०८१४८५/९५
Date of Judgement... २७/१०/९५	
प्रति तय्यार किया गया दिन	
Copy Made Ready on... २७/१०/९५	
अनुमान अधिकारी (न्या. वि. वि.) Section Officer (J)	