

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1501-OF-1994

DATE OF ORDER: 21st JULY, 1997

BETWEEN:

1. M. SATYANARAYANA,
2. J. PREM KUMAR

.. APPLICANTS

AND

1. The Ordnance Factories Board,
10-A, Auckland Road, Calcutta-700001,
represented by its Secretary,
2. The General Manager,
Ordnance Factory Board,
Eddumailaram,
Medak District.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr. P. NAVEEN RAO

COUNSEL FOR THE RESPONDENTS: Mr. N. V. RAMANA, Addl. CGSC

CORAM:

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

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

ORDER

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

Heard Mr. P. Naveen Rao, learned counsel for the applicants and Mr. V. Rajeswara Rao for Mr. N. V. Ramana, learned standing counsel for the respondents.

2. There are two applicants in this OA. The first applicant was appointed as Supervisor (Technical) under R-2 with effect from 9.8.88. His probation was deemed to have been declared satisfactory with effect from 4.10.1990. The

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second applicant was appointed as Supervisor (Technical) with effect from 13.8.90. His probation was declared to have been satisfactorily completed with effect from 12.8.1992. They were appointed by transfer as Chargemen Grade-II (Technical) with effect from 31.12.1993. Their pay as Supervisor (Technical) was Rs.1400-2300 from the date they were appointed as Supervisors.

3. The applicants were not considered fit for transfer as Chargemen Grade-II (Technical) by the DPC held on 11.11.1992 on the basis of their Annual Confidential Reports. Hence, their names were not included in the appointment for transfer to Chargemen Grade-II (Technical) against the direct recruitment quota of Supervisors (OA). It is stated that they have represented their case to them for their non inclusion.

4. This OA is filed to declare the action of the respondents for non inclusion of their name in the Factory Order Part II No.745 dated 10.5.93 (Annexure-B to the OA) is arbitrary, discriminatory and for a consequential direction to appoint them as Chargemen Grade-II (Technical) with effect from 10.5.93 with all consequential benefits.

5. The respondents in their reply stated that the Annual Confidential Reports of the first applicant for the years 1989-90 & 1990-91 and the Annual Confidential Reports were not satisfactory for inclusion of their name in the select list of 10.5.93. The details of the adverse remarks

OR



entered for the first applicant for the year 1989-90 and 1990-91 and for the second applicant for the years 1990-91 and 1991-92 are at para 6 of the reply which are enclosed as Annexure R-5, R-5A and R-6 and R-7 to the reply. In view of the above, the respondents are of the view that they can be given transfer only with effect from 30.12.1993.


6. The contentions of the applicants and the prayer in this OA are same as the contentions and the prayer of the applicant in OA No.741/94. The stand taken by the respondents is also same as the stand taken in OA 741/94. Hence it is not necessary to further go into these contentions and discuss the same here. It is suffice to say that the initial assessment of the applicants for transfer and posting as Chargemen Grade-II (Technical) by the DPC held on 11.11.1992 needs review. It is not clear whether the adverse remarks in the ACRs of the applicants for the years mentioned above have been communicated to 1st DPC held on 11.11.1992. If the adverse remarks have been communicated three months earlier to 11.11.1992 and those remarks went unchallenged, then those remarks may be taken note of by the review DPC.


7 In the result the respondents are directed to conduct a review DPC as spelt out in the judgment in OA No.741/94 which was disposed of today and declare the results of the applicants herein along with the applicant in OA 741/94.

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8. The OA is ordered accordingly. No order as to costs.

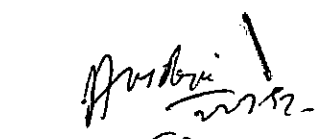

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

21.7.97

DATED: -- 21st -- July, -- 1997

vsn


D.R. (S)

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Copy to:

1. The Secretary, Ordinance Factories Board,
10-A, Auckland Road, Calcutta.
2. The General Manager, Ordinance Factory Board,
Eddumailaram, Medak District.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. V. Ramana, Addl. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED 21/7/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

U.A. NO. 1501/94

Admission and Transmission

Filed

Allocated

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default
Entered/Rejected.

No order as to costs.

YLKR

Central Administrative Tribunal
28 JUL 1997
HYDERABAD BENCH.