

IN THE CETRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION NO.1590 OF 1994

DATE-OF-ORDER:-----September, -1997-

BETWEEN:

K.RAMA RAO

.. APPLICANT

AND

1. The Principal Secretary to Govt,
Govt. of India, Ministry of Defence,
New Delhi,
2. The Chief of Naval Staff,
Naval Headquarters, New Delhi,
3. The Admiral Superintendent,
Naval Dock Yard, Visakhapatnam,
4. The Deputy General Manager (Personnel),
Naval Dock Yard, Visakhapatnam,
5. M.ANJANEYULU,
6. KP SANKAR,
7. I.BABJEE,
8. R.DHARMA RAJU,
9. PS PARAKASA RAO,
10. PA JOSHEP,
11. NS PRAKASA RAO,
12. SS BHOOSHAN RAO,
13. I.APPA RAO,
14. The Liaison Officer for SC, ST Cell,
Eastern Naval Command, Visakhapatnam,
15. The Under Secretary,
Ministry of Defence,
Grievance Cell (for SC/ST),
Director (E) Office, Hutmants,
Dalhousi Road,
New Delhi 110 001.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.MVSD PRASADA RAO

COUNSEL FOR THE RESPONDENTS: Mr.K.BHASKAR RAO, Addl.CGSC

CORAM:

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

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

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He has given the filling up of Roster Points from 1978 to 1993 in Para 6(b) at Page 3 of the of his affidavit. It is to be stated here that the details given in Para 6(b) are not very clear and cannot be said to be an authentic one.

5. From the OA affidavit, it also appears that the applicant is of the opinion that he should have been promoted instead of Shri Appa Rao, R-13 in this OA, to whom the notice was not served.

6. From the above details, the relief prayed for in this OA by the applicant may be construed as a prayer for a direction to the respondents to promote him to the post of Senior Foreman, treating the Senior Foremen category as a bulk allotment, against the point earmarked for SC/ST candidates in the 40 point roster.

7, In the reply, it has been stated that the post of Senior Foreman is not a bulk sanction but as per the Trade Structure laid down in the Navy Order (Civ.) 7/78 wherein different Trades have been identified for smooth function of the Yard and to meet the operational and functional commitments. The "Trade Structure for Supervisory Staff in IN Dockyard and Bros" is also enclosed to the reply. The post of Senior Foreman is operated in the ratio of Tradesmen borne in that particular trade. The vacancies are released/considered in various disciplines with utmost care. The vacancies in the Senior Foremen (Welder) from the year 1978 onwards are very limited. Hence, the question of promoting the reserved community candidates

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3. The applicant was initially appointed as Welder Gr.II with effect from 20.8.70 and subsequently, he was promoted as Foreman (Welder) with effect from 24.10.81 by supersession under the reserved category. The applicant is an aspirant for the post of Senior Foreman (Welder) against SC Reserved Roster Point. The details given by the applicant are not at all clear and adequate to examine very minutely whether the applicant was harmed or is having a grievance in not promoting him as Senior Foreman (Welder) against the Reserved quota. From the affidavit it is seen that the applicant is of the opinion that all the Senior Foremen posts are to be clubbed and on that basis, he has to be given promotion against the S.C. Reserved Points. He submits in his OA that there are 110 posts of Senior Foremen allotted to the Naval Dockyard. On that basis there should ordinarily be 16 SC candidates and 8 ST candidates in that category. As there were no ST candidates available, the points reserved for ST had to be filled by SC candidates. As this procedure is not followed, promotion for him was denied as he is an eligible SC candidate fulfilling all the conditions for promotion against the reserved quota.

4. The applicant also submits that there was a carried forward reservation quota of 1978 which should have been filled by Shri T.Vara Babu, an SC employee, who was selected along with the applicant. Had that been done, the 4th roster point to be filled in the year 1989 would have ^{gone} been given to him. Thus, his chance of promotion to the post of Senior Foreman was not effected.

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Foreman (Welder) was released. During 1978, one post of Senior Foreman was released and that went to unreserved candidate as there was no eligible SC candidate available. During 1981, two Senior Foremen posts were released but both went to unreserved personnel as no SC/ST eligible candidate was available. From 1982-88 no post of Senior Foreman (Welder) was released for the Fabrication Department. It is only in the year 1989 that one post was released and that had fallen on roster point No.4 which was reserved for ST. But as no ST candidate was available, Shri T.Vara Babu, SC, who had qualified in the departmental qualifying examination in 1984 and had became eligible for promotion as Senior Foreman (Welder) was considered by the Departmental Promotion Committee and he was promoted in 1989. After 1989, in the year 1991, two posts were released and went as unreserved. In 1993, one post was released and that also went to the unreserved. Thus, out of 110 posts of Senior Foremen sanctioned to the Naval Dock Yard, only seven posts of Senior Foremen (Welder) were released to the Fabrication Unit.

11. The roster register has been reproduced in the reply No.PIR/0503/TSS dated 6.10.94 (Annexure A-1 at Page 13 to the OA) in the letter addressed to the Liaison Officer, SC/ST Cell, Eastern Naval Command by the Manager, Personnel. The details given in Para 2(b) of that letter are reproduced below which explains the position fully:-

"(b) It is confirmed that there is no backlog of vacancies existing in SC category and the points filled as per the roster are given below:

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presuming bulk sanction of Senior Foremen as contended by the applicant does not arise.

8. From the Trades Structure enclosed to the reply, it is very clear that the Welder category comes under the Construction Wing and there is a post of Senior Foreman in this category. The other categories such as Ship Fitter/Painter etc. have also got a post of Senior Foreman though all of them functions in the Construction Wing. The other wings namely Engineering, Weapon and Maintenance are also having Senior Foreman category under their control. Hence, from the Trade Structure diagram, it is evident that the posts of Senior Foremen are not sanctioned in bulk for all the Trades. But, each trade has got Senior Foremen category to meet the operational and functional commitments. Hence, the promotions are to be considered on the requirements of a particular trade and grade and not on the over all basis.

9. The applicant contends that he is eligible to be considered for promotion to the post of Sr. Foreman in the year 1989 itself against the ST point which could not be filled due to non-availability of ST candidates. Hence he should be shown as having been promoted from 1989 itself.

10. The above contention was examined. The respondents submit that in the Naval Dockyard, the reservation is being maintained from 1972. The post of Senior Foreman (Welder) was filled during 1978 and from that year onwards, the posts of Senior Foremen are filled as per 40 point roster. Prior to 1978, no post of Senior

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for SC. Hence the claim of the applicant that he should have been promoted in the year 1989 itself is not tenable.

13. From the above analysis, we are convinced that the applicant has not made out any case for allowing this application. Hence, this application is liable only to be dismissed as having no merits. Accordingly, it is dismissed.

14. No order as to costs.

प्रमाणित होता
CERTIFIED TO BE TRUE (COP)

Subodh Kumar

न्यायालय कार्यालयी

COURT OFFICER

न्यायालय कार्यालयी (न्यायालय)

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कानूनी	CASE NUMBER	CA/1590/94
निर्णय का तारीख	Date of Judgement	30/9/88
प्रति तथा वेदा देया दिन	Copy Made On	9/10/88