

(52)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 400/94

Date of Order: 28-8-95.

Between:

1. R.Savithri.
2. N.N.Chandrasekhara Rao.
3. T.Thirumalaiah.
4. Ch.Venkatesham.
5. S.Chandrakanth Rao.
6. M.Sivanageswara Rao.
7. P.V.B.S.Murthy.
8. K.Siva Koteswara Rao.
9. Y.Ramakrishna.
10. T.Ramesh Babu.
11. S.Vinod Rao.

.. Applicant

and

1. The Ordinance Factory Board,
Ministry of Defence,
Govt.of India, 10-A
Auckland Road, Calcutta,
rep. by the Director General of Ordinance
Factories/Chairman.
2. The General Manager,
Ordinance Factory Project,

Respondents.

For the Applicant :- Mr. Meharchand Nori, Advocate.

For the Respondents: Mr. N.V.Ramana,
Sr./Add.CGSC

CORAM:

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

THE HON'BLE MR.RANGARAJAN : MEMBER(ADMN)

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O.A.NO.400/94.

JUDGMENT

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

Heard Sri Meherchand Nori, learned counsel for the applicants and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The applicants numbering 11 in this OA were initially appointed as Tracers and they were promoted are eligible and qualified for promotion as Chargeman Gr.II (T).

3. This OA is filed for declaration that the action of the respondents in prescribing a cut off date for filling up posts of Chargeman Gr.II (T) and bringing people working in other factories only for the purpose of promotion to the post of Chargeman Gr.II(T) as highly arbitrary, unconstitutional and contrary to the Special Rules published in SRO 13-E dated 4.5.1989 and for a consequential direction to the respondents to strictly follow the special rules published in SRO made and to fill up all the existing and future vacancies in the category of Chargeman Gr.II (T) and to consider the claims of all the eligible persons including the applicants.

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contd....

4. The main point for consideration in this OA is whether prescribing the cut off date in violation of SRO 13-E dated 4.5.1989 is arbitrary and or not and whether the applicants should be promoted on the basis of Recruitment Rules amongst those who completed minimum service in lower category of Draughtsman.

5. The above point was considered in our judgment in OA 115/95 which was delivered today. It was held in that OA that fixing of cut off date over-riding the provision of Recruitment Rules is not in order and the administrative instruction issued in fixing the cut off date for eligibility condition for consideration for promotion is illegal and hence liable to be quashed. However, it is left to the respondents to fill up the posts if there is need to fill up those posts in Chargeman Gr.I (T) in accordance with the 1989 rules published in SRO 13-E dated 4.5.1983. As the prayer in this OA is similar to the OA 115/95, we follow the same direction and direct as follows:-

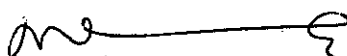
The administrative instructions in fixing the cut off date for promotion to the post of Chargeman Gr.II from Draughtsman are quashed as they are illegal. Hence, R-2 has to consider cases of eligible Draughtsmen of R-2 organisation for promotion to the posts of Chargeman Gr.II (T) in accordance with 1989 rules published in

contd....

.. 4 ..

SRO 13-E dated 4.5.1989 as and when vacancies in the posts of Chargeman Gr.II (T) in this unit are required to be filled up.

6. The OA is ordered accordingly. No costs. //


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 28th August, 1995.
Open court dictation.


Deputy Registrar(J)CC

sk/vsn

To Chairman,

- 1./The Director General of Ordnance Factories
Ordnance Factory Board, Ministry of Defence,
Govt. of India, 10-A, Auckland Road,
Calcutta.
2. The General Manager, Ordnance Factory Project,
Eddumailaram, Medak Dist.A.P.
3. One copy to Mr.Meharchand Neri, Advocate, Advocates' Assn.
CAT.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

and

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

DATED:- 28-8-1995,

ORDER/JUDGMENT.

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

in

O.A.No.

400/a4

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

pvm.

No Spare Copy

