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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

O.A. 521/94.

Dt. of Decision : 29.4.94.

SHri S. Umakanth Rao

.. Applicant.

Vs

Ordnance Factory Project,  
Ministry of Defence,  
Govt. of India,  
Eddumailaram,  
Medak District.

.. Respondent

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondent : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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OA.521/94

ORDER

( As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman )

Heard Sri P. Naveen Rao, learned counsel for the applicant and Sri W.R. Devaraj, learned counsel for the respondents.

2. This OA is filed praying for declaration that the action of the respondents in excluding the name of the applicant from consideration for promotion to the Highly Skilled Grade II is arbitrary, illegal and un-Constitutional and to consequently ~~to~~ direct the respondent to include the name of the applicant at Sl.No.1 in Annexure to proceeding No.07/034/LB, dated 19-4-1994 and for grant of all consequential benefits.

3. The facts which are relevant and material for consideration of this OA are as under :-

The applicant was initially appointed as Semi-Skilled Grade in Mill Wright Trade on 17-9-1987. He was promoted to Skilled Grade with effect from 31-1-1990. The next promotion ~~as~~ to Highly Skilled Grade II and it is ~~a post~~ on selection through a DPC from among the Skilled Grade Mill Wright employees who had put in three years of service.

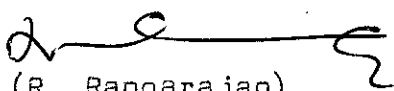
4. By judgement in OA.730/93 a Bench of this Tribunal to M/s A. Venkateshwarlu and G. Laxmanachary and hence his name should also be considered for promotion to Highly Skilled Grade II when M/s Venkateshwarlu and Laxmanachary were ~~elated~~ <sup>considered</sup> for the same.

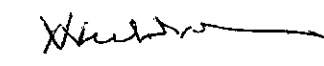
5. <sup>The</sup> ~~Thus the~~ process for selection from Skilled Grade II to Highly Skilled Grade in Mill Wright was initiated in June, 1993, <sup>the</sup> ~~because the~~ same was stayed by interim order of a Bench of this Tribunal in O.A. 730/93 and after the said OA was allowed the examination was conducted in December, 1993 and the applicant was not promoted as he failed in the said examination.

6. It is now stated for the respondents that as six months have not elapsed after the date of examination, the applicant was not alerted for the examination to be

7. It is contended for the applicant that in the normal course, <sup>the previous</sup> ~~earlier~~ examination would have been conducted in June, 1993 itself and the applicant should not be allowed to suffer for the delay in conducting <sup>that</sup> ~~earlier~~ examination, and if ~~the earlier~~ <sup>that</sup> examination was conducted in June, 1993 ~~the applicant to appear the six months period~~ would have elapsed by now, and hence he would not have been barred ~~for permitting him~~ to appear for the examination to be conducted. It is a matter for consideration in the OA.


8. In the circumstances we feel that it is just and fair <sup>interim</sup> to give direction to the respondents to allow the applicant to appear for the Trade Test now to be conducted for promotion to the post of Highly Skilled Grade II and if the applicant is promoted on the basis of the said performance <sup>not</sup> in the examination he should ~~be~~ given order of promotion until further orders.

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : April 29, 94  
Dictated in Open Court

sk

  
4-5-94  
Deputy Registrar (S) CC

TYPED BY *gry*  
CHECKED BY

COMPALED BY  
APPROVED BY

THE HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

Dated: *29-4* -1994

~~ORDER/JUDGMENT~~

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

in  
O.A.No. *521/94*  
T.A.No. (w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

