

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No: 879/95

Date of Order : 19.1.98

BETWEEN:

1. B.S.S.Babu
2. N.Sitaramudu
3. D.N.Rajasimha
4. V.S.R.Krishna Rao
5. K.Ravindran

.. Applicants.

AND

1. Union of India, rep. by
Secretary to Govt., Dept.
of Personnel & Training,
Ministry of Personnel,
PG and Pensions,
Central Secretariat,
New Delhi.
2. The Secretary.
Dept. of Atomic Energy,
Govt. of India, G.S.M.Marg,
Bombay.
3. The Chief Executive,
Nuclear Fuel Complex,
Dept. of Atomic Energy,
ECIL PO, Hyderabad.
4. The Dy.Chief Executive (Admn.)
Nuclear Fuel Complex,
ECIL PO, Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

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

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. There are five applicants in this OA. Applicants 1 and 2 are working as Steno Gr-I and applicants 3,4, and 5 are working as Steno Gr-II under the respondent organisation. An upgradation proposal was initiated for upgrading the Stenographers to higher grade called as Steno Senior Grade and Steno Gr-I. The applicants submit that the reservations are not permitted in this and hence they should be considered as per seniority, provided they are eligible. They rely upon the judgement of C.A.T. Calcutta Bench in OA.21/94. The contents of which is at Sl.No.181 at Annexure-3 to the OA. The applicants further submit that the posts were created only by upgradation and as can be seen from the O.M.No.6/2(18)/89-I&M(NFC)/549, dated 13.12.94 (A-10). They submitted a representation to the respondent authorities for considering their cases for promotion against the upgraded post of Senior P.A. and Steno Gr-I in accordance with the seniority and suitability without following the roster. The representations in this connection were rejected by the impugned orders dated 23.11.94, 17.11.94 and 31.12.94.

3. In view of the above rejection of the representation they have filed this OA praying for a direction to the respondents herein to fill up the existing and future upgraded posts of Senior P.A./Steno Gr-I on seniority basis without applying roster/reservation and quash the letters reference dated 23.11.94, 17.11.94 and 31.12.94 with all consequential benefits.

4. No reply has been filed in this OA. ~~Though~~ The learned counsel for the respondents produced the letter No.NFC/OA /95/IR/299, dated 21.8.95 and stated that in view of the de-reservation of the reserved posts, the applicants will be considered for

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promotion and hence the applicants will not be put to any disadvantage. He further requested ^{that} in view of the above letter the OA may be disposed of as infructuous.

5. We have heard both sides. The question raised in this OA is to be seen at full length. But we find in the present case the applicants are in no way put to disadvantage in promotion to the higher posts of Senior P.A. and Steno Gr-I. The learned counsel for the applicant submitted that similar question may arise in future and hence the issue involved in this OA may also be decided in accordance with the law.

6. The above request of the learned counsel for the applicant to decide the issue in regard to the reservation of the upgraded posts does not arise at the present juncture. This is a non-issue as far as this OA is concerned. Hence ^{if} ~~this~~ is not ^{at this juncture and} necessary for us to decide this question, we leave it open ^{to consider} as and when such a situation arise in future. The letter of the respondents dated 21.8.95 is re-produced below:-

"Department of Atomic Energy, Govt. of India have approved the proposal put ^{up} by the third respondent i.e. NFC, for de-reservation of vacancies in the posts of Senior P.A. and Stenographer Grade-I reserved for scheduled Caste/Scheduled Tribe candidates vide Department's ID Note No.6/2 (18)/95-IND(NFC)/323 dt. 08.08.1995. Hence necessary action has been taken to appoint the applicants in the available vacancies as per their seniority".

7. This letter has been issued in view of the de-reservation of the vacancies reserved for SC/ST candidates to the higher grades as informed by the department of Atomic Energy by their letter No. 6/2(18)/95-IND(NFC)/323, dated 8.8.95. Hence it is evident that the applicants in this OA will be promoted to the post of Senior

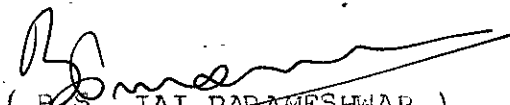
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P.A./Steno Gr-I without resorting reservation on the basis of the seniority-cum-suitability in accordance with the law. The applicants are not put to any disadvantage as none of the junior SC/ST candidate will supersede them for promotion to Senior P.A./Steno Gr-I. Hence we are of the opinion that no further orders are necessary in this OA.

8. In view of fore-going no orders are necessary in this OA, *but we* ~~keeping~~ *to be decided at the appropriate time as and when it* the issue open. No costs. *aims*

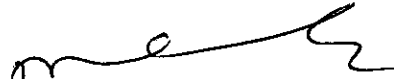
9. (The letter dt. 21.8.95 is taken on record)


(B.S. JAI PARAMESHWAR)
Member (Judl.)

19.1.98

Dated : 19th January, 1998

(Dictated in Open Court)


(R. RANGARAJAN)
Member (Admn.)

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Prilga
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Copy to:

1. The Secretary to Govt., Dept. of Personnel and Training
Min. of Personnel, PG and Pensions,
Central Secretariat, New Delhi.
2. The Secretary, Dept. of Atomic Energy,
G.S. Marg, Bombay.
3. The Chief Executive, Nuclear Fuel Complex, Dept. of Atomic Energy,
ECIL Post, Hyderabad.
4. The Dy. Chief Executive (Admn.), Nuclear Fuel Complex,
ECIL PO, Hyderabad.
5. One copy to Mr. V. Venkateswara Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to D. R. (A), CAT, Hyderabad.
8. One duplicate copy.

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17/1/98

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TYPED BY _____ CHECKED BY _____
COMPILED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: _____

19/1/98

ORDER/JUDGMENT

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

in

S. A. NO.

879/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेषण/DESPATCH

29 JAN 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH