

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.889/95

dt.25-9-2000

Between

1. Mohammad Farook
2. Sekharamanthri Venkatrao
3. Mrs. Bundoorthu Susheela
4. Mrs. T. Manorama
5. Sanku Sayanarayana
6. Danda Prasad Rao
7. P. Chitti Baburao
8. S.A. Hameed
9. V.J Krishnana
10. D. Rajeswara Rao
11. Neelam Simhachalam
12. Miss. A. Satyanarayananamma
13. V. Padmini Devi
14. K. Chinna Venkanna
15. N. Chandra Sekhar
16. Surisetty Laxmibai
17. Madugula Sankara Rao
18. K. Suyarao
19. Gantibhaskara rao
20. D. Suguna
21. D. George
22. Pantula Bhaskara Rao
23. Badida Rama Rao
24. J. Dharma Rao
25. Jureddi Joseph
26. Gumpina Appa Rao
27. M. Murali Mohan Rao
28. Vedula Narasimha Murthy
29. Kalivarapu Bhagalakshmi
30. Pentakota Narasimha Murthy
31. N.V. Ramarao
32. Kaari Babji
33. V. Veerabhadra Rao
34. Nemani Subramanyam
35. H.R. Saibaba
36. M.B. Prasada baba
37. V.V. Narasimham
38. Yerra Narayana Rao
39. T.P. Sanyasi Rao
40. K. Kamala
41. Pydi Thrimurthy
42. Bankapalli Asha
43. N. Narasimha Murthy
44. S. Devi Prasad
45. Ch. Lalita
46. M. Galatripura sundari
47. G. Ramakrishna Varam
48. L.V. Rajkumar
49. M. Jyothi
50. K.I. Vijayakumar
51. G. Veeraswamy
52. P. Laxmana Rao
53. K.V. Jagadeeswara Rao
54. CSN Raju
55. S. Bhaskara Rao
56. R.L. Sastry
57. T. Anuradha
58. P. Parimala Kumari
59. Ch. S. Sarma
60. D. Varalakshmi
61. B. Suryanarayana
62. MVM Narasimharao
63. Chekuri Suryanarayana Raju
64. Majeti Satyanarayana
65. G. Gowrigiribala
66. PSM Sarma
67. M. Narasinga Rao
68. K. Satyanarayana
69. C.N. Kutty
70. CV Ramana murthy
71. G.B. Subramanyam
72. Moturu Prakasha Rao
73. G.V. Lakshmi
74. G. Lakshmana Reddy
75. Mrs. P. Francis
76. G. Prasada Rao
77. D. Ramakrishna
78. P. Satyanarayana
79. Konathala Subba Rao
80. Kuppili Agnes
81. Manda Elizabeth
82. E. Appa Rao
83. B. Shankara Rao
84. V. Ranga Rao
85. G. Ganeshwara Rao
86. T. Noble
87. P. Mohanrao
88. J. Gandhi
89. A. Satyanarayana
90. U. Ramanamma
91. T.N. Murthy
92. K. Kameswara Rao
93. T. Lakshminarasu Bai
94. Md. Isaac
95. K. Thukaram
96. D. Subbama
97. G. Subba Rao
98. Dasari Govinda Rajan
99. L. Varalakshmi
100. T.Ch. Kondalarao
101. S.V. Trinadha Rao
102. S. Srinivasa Rao
103. S. Mangalakshmi
104. M. Sarojini Devi
105. FHJ Stephenson
106. K.V. Sankara Rao
107. Y. Maria Rathnam
108. Lakkoju Raja Rao

Applicants

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And

1. Union of India, rep. by
Secretary
Min. of Defence, New Delhi

2. Chief of Naval Staff
Naval Headquarters, New Delhi

3. Flag Officer Commanding-in-Chief
Headquarters, Eastern Naval Command
Naval Base, Visakhapatnam 530014 .. Respondents

Counsel for the applicants : P.B. Vijayakumar
Advocate

Counsel for the respondents : H.N. Sharma, Sr. CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Jud1)

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Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, M(J)

Heard Mr. Vijaya Venkatesh for Mr. P.B. Vijayakumar for the applicant and Mr. M.C. Jacob for the respondents.

2. There are 108 applicants in this OA. They are all working as Lower Divisional Clerks, UDCs and Office Superintendents Grade I and II. They submit that there is a ratio for promotion to the higher posts, as under:

LDC to UDC	upto 27-2-1981	:	2:1
	from 28-2-1981	:	3:2
LDC/UDC to OS II		:	12:1
OS.II to OS I		:	4:1

3. They further submit that their promotions, seniority, and transfers are effected by the Respondent No.3. The Respondent No.3 appointed various Casual LDCs and their names have not been shown in the cadre strength at any point of time as they were regularised at a later date. Further they submit that 329 LDCs were regularised with retrospective period from 1968 to 1978. They submit that the ratio prescribed for promotion ought to have been maintained by taking into account the increased cadre strength from 1968 to 1978.

4. Hence, they have filed this application for a direction to the respondents to effect retrospective promotions to the eligible applicants as per the ratio after taking the retrospective regularisations of 329 LDCs with all consequential and attendant benefits including special pay and other monetary benefits, seniority by nullifying the decision communicated vide proceedings No.CP(SE)/4886/Court case/ dated 5-1-95 of the second respondent and the consequential communication No.CE/9303/101 dated 4-2-95 of the Respondent-3.

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5. The respondents filed their reply justifying the action taken by them while considering the case for regularisation of 329 LDCs. Earlier when this matter came up for final hearing before the Division Bench, the Division Bench vide its order dated 29-7-1999 referred the matter to the Full Bench for consideration and decision as to

"whether a direction could be given to the Respondents department to ensure that the ratio of promotions in the ministerial cadre are scrupulously maintained notwithstanding the fact that the supernumerary posts may have to be created, which is normally a taboo, in our anxiety not to allow the ratio to be disturbed."

6. On 6-9-2000 the Full Bench considered the above point and in para-8 the Full Bench observed as under :

"8. As far as 329 members of the staff whose services have been regularised are concerned, the same has been done in compliance with the orders issued by the Andhra Pradesh High Court and the Tribunal. As a consequence, 163 supernumerary posts of Upper Division Clerk had to be created. This was necessitated in order to accommodate the ministerial staff whose services were regularised with retrospective effect and to grant them promotions as their juniors had already been promoted. As has been observed by the order of reference, the Supreme Court has come down heavily on the practice of courts or Tribunals giving directions to create supernumerary posts for the purpose of ensuring the aforesaid ratio. It would, therefore, in our view, be hazardous to issue directions which are claimed in the present OA. Moreover, we find that since all the

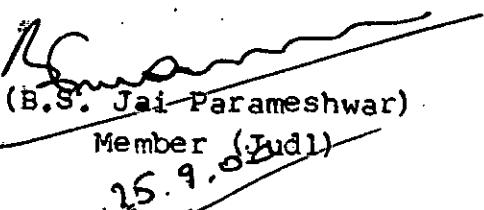
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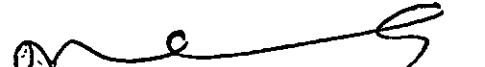
applicants have now been promoted either to the posts of Upper Division Clerks, Office Superintendent Grade II or Office Superintendent Grade I, the question of maintaining the ratio which is the subject matter of the reference, strictly speaking no longer survives. The question which has been referred in the circumstances is accordingly answered in the negative. The matter will now go back to the Division Bench for disposing of the OA on its own merits and in accordance with law."

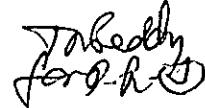
7. The Full Bench has answered the point in the negative. In that view of the matter the applicants are not entitled to any reliefs claimed in the OA.

8. Accordingly, the OA is dismissed. No order as to costs.


(B.S. Jai Parameshwar)
Member (Judl)

25.9.


(R. Rangarajan)
Member (Admn.)


T. Balaji
for R.R.C

Dated : 25 Sept. 2000
Dictated in Open Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

COPY TO:-

1ST AND 2ND COURT

1. HONORABLE MEMBER
2. HON. (ADMIN) MEMBER
3. HON. (JUDL) MEMBER
4. D.R. (ADMIN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

THE HON'BLE MR. JUSTICE DR. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

THE HON'BLE MR. DS. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER

25/9/2000

MA/RB/CP/NG

IN

DA. N. 889/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal
प्रेषण / DESPATCH

20 OCT 2000

हैदराबाद आयर्वीड
HYDERABAD BENCH