

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.889/95

dt.25-9-2000

Between

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

Applicants

..2.

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 : N.N. Sharma, Sr. CGSC

Coram

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

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

2

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 197-8. 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.



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^h, 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

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)

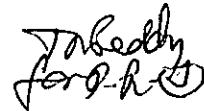
Member (Judl)

25.9.00


(R. Rangarajan)

Member (Admn.)

Dated : 25 Sept. 2000
Dictated in Open Court


for R.H.

sk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH:HYDERABAD

COPY TO:-

1. HDHND
2. HARN (ADMN) MEMBER
3. HSSJP (JUDL) MEMBER
4. D.T. (ADMN)
5. SPARE
6. ADV CATE
7. STANDING COUNSEL

1/1/10
1ST AND 11/00 COURT

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

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

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

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

DATE OF ORDER

25/9/2000

MA/PA/CP. NO

IN

DA. N.L. 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

(8 copies)

