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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

O.A.No.1292 OF 1995.

Date of Order: 3-3-1998.

Between:

Chinnaiah Vuba.

.. Applicant

and

1. The Director-General,
Geological survey of India,
(representing Union of India),
27, J.L.Nehru Road, Calcutta-700 016.
2. B.J.Sen, Geophysicist (Sr), Marine Wing
G.S.I., 4, Chowranghee Lane,
Calcutta-700 016.
3. A.S.Khotpal, Geophysicist (Sr),
A.M.S.E. Wing, G.S.I., 29/6, 38th
Cross, 8th Block, Jayanagar,
Bangalore-560 082.
4. H.P.Mishra, Geophysicist (Sr),
Geophysics Division, G.S.I.,
Jaipur-302 001.
5. Ramgopal, Geophysicist (Sr),
Geophysics Division, G.S.I..
6. Ram Brich Singh, Geophysicist (Sr),
Geophysics Dn., G.S.I. Building,
Aligunj, Sector 'E', Lucknow-226 020.
7. Virendra Mohan, Geophysicist (Sr),
Geophysics Dn., G.S.I. Buildings,
Aligunj, Section 'E', Lucknow-226 020.
8. Aloke Kumar Mukherjee, Geophysicist (Sr),
Geophysics Dn., Eastern Region, 4 Chow-
ranghee Lane, Calcutta-760 016.
9. Kalyan Saba, Geophysicist (Sr),
4 Chowranghee Lane, Calcutta-700 016.

.... Respondents

COUNSEL FOR APPLICANT :: Mr.C.Suryanarayana

COUNSEL FOR RESPONDENTS: Mr.N.V.Raghava Reddy

CORAM:

THE HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN

AND

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: O R D E R :

(AS PER HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN)

Heard Sri C.Suryanarayana, learned Counsel for the Applicant and Sri N.V.Raghava Reddy for the Respondents.

2. The applicant who was working as a Senior Geophysicist while respondents 2 to 9 who were junior to him have been promoted notionally as Senior Geophysicist with effect from 4-11-1988, as he has not been considered for such retrospective promotion and therefore, his seniority stand had been badly effected.

3. The applicant who belongs to S.C. community commenced his carrier as a Sr.Technical Assistant(Geophysics) on 19-7-1976. He However, he was appointed by direct recruitment as Junior Geophysicist, a Class-I post with effect from 5-12-1984 through Union Public Service Commission (UPSC). While the applicant claims to have completed eligibility for promotion as Senior Geophysicist with effect from 4-11-1988, he was not considered at that time as he had not completed 5 years of service nor had his probation been declared then. However, four of his Juniors viz., Mr.Anwar Hakim, K.V.S.Bhaskara Rao, Sheo Ram Prasad and A.K.Lakshmi Chatterjee were promoted on the recommendations of the Review Department Promotion Committee with effect from 4-11-1988. His case for promotion and adjustment of seniority was not considered. His representations were turned down by Orders dated: 28-6-1995 and 25-9-1995 (Annexures A.9 and A.11). Aggreived by that the applicant has filed this application praying that the respondents may be directed to get the applicant's case considered by a Review Department Promotion Committee for promotion as Geophysicist(Sr) atleast notionally with

effect from 4-11-1988 and to give him the consequential benefit of seniority over respondents 2 to 9 and declaring the Impugned Order No.640-R/A.19011(2-CV)/91/198, dt:28-6-1995 r/w Order No.1000.R/A-19011(2-CV)/91/198, dt:25-9-1995 (Annexures A-9 and A-11 respectively) as malicious and calculated to deprive the applicant of the benefit of promotion retrospectively. Apart from the four persons who are named and paragraph 4.5 of the application, the applicant states that the respondents 2 to 9 are also Junior to him and have been promoted with effect from 4-11-1988, while the applicant has not been so promoted.

4. Though notices were served on all the respondents, respondents 2 to 9 did not choose to appear before the Tribunal. On behalf of the Respondent no.1 Sri N.V.Raghava Reddy, Addl.CGSC appeared but no reply statement has been filed so far despite the fact that the case was admitted way back on 16-1-1996 and several adjournments were granted for the purpose of filing reply statement.

5. When the Original Application came up for final hearing today, Sri N.V.Raghava Reddy, learned Counsel for Respondent no.1 stated that the respondents despite his best efforts did not give proper instructions and therefore he could not file a reply. He sought two months further time to file a reply statement. As the case is of the year 1995, we do not find any justification to grant further time to the first respondent to file reply. The case has to be heard and disposed of with the available pleadings. However, Sri N.V.Raghava Reddy was prepared to argue the case basing on the instructions received by him.

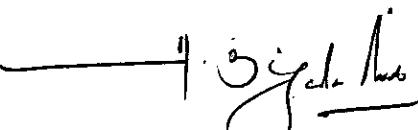
6. Accordingly, we have perused the application and annexures and Heard Sri C.Suryanarayana, learned Counsel for the Applicant and Sri N.V.Raghava Reddy, learned Counsel for the Respondent No.1.

7. The allegation in the application that the respondents 2 to 9 are Junior to the applicant in the Grade of Geophysicist (Jr) is not disputed. The promotion of respondents 2 to 9 with effect from 4-11-1998 is sought to be justified as the Bangalore Bench of the Central Administrative Tribunal in O.A.No.135 of 1991 had directed that Sri Rajendra Sharma, the applicant therein should be considered for promotion with effect from the date of promotion of his Juniors respondents 3 to 6 in that O.A. and as the respondents 2 to 9 were senior to Sri Rajendra Sharma, they also had to be similarly considered for promotion as Senior Geophysicists with effect from 4-11-1988. The case of the applicant seeking a similar benefit is sought to be denied on the ground that the applicant was not senior to Rajendra Sharma because in the meanwhile he had been appointed by direct recruitment through U.P.S.C.

8. We find no justification for this stand taken by the respondents. Having accepted that the respondents 2 to 9 were Juniors to the applicant in the Grade of Junior Geophysicist, the first respondent was bound to consider the case of the applicant also for retrospective promotion with effect from 4-11-1988 when his Juniors were considered for such retrospective promotion by a Review Department Promotion Committee though it was on the basis of the Judgment of the Bangalore Bench of the Central Administrative Tribunal in O.A.No.135 of 1991 especially when person who were not parties to the said OA were also considered and promoted.

9. In the result, in light of what is stated above, we allow this application and direct the respondents to have the case of the applicant for promotion as Senior Geophysicist with effect from 4-11-1988 by a Review Department Promotion Committee, and if this applicant was found not otherwise unsuitable to promote the applicant as Senior Geophysicist with effect from

4-11-1988 notionally against his seniority accordingly over respondents 2 to 9 with all consequential benefits, the above exercise shall be completed and necessary Orders shall be issued within a period of four months from the date of receipt of a copy of this Order. No costs.



(H.RAJENDRA PRASAD)
MEMBER (A)



(A.V.HARIDASAN)
VICE CHAIRMAN

Dated: 3rd March, 1998

Dicatated in OpenCourt


Deputy Registrar

DSN

O.A. 1292/95.

1. The Director General,
Geological Survey of India,
Union of India, 27 J.L.Nehru Road,
Calcutta-16.
2. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
3. One copy to Mr. N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
4. One copy to DR(A) CAT.Hyd.
5. One spare copy.

pvm

6.1.98
19/3/98

I Court

TYPED BY

CHECKED BY

COMPIRED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE A V Hadi Daseen

VICE-CHAIRMAN (Emoluments)

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 3 -3 -1998

ORDER/JUDGMENT:

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

in

O.A.No. 1292/95

T.A.No.

O.W.R

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

