

76

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1550/95.

DATE OF ORDER : 08-01-1998.

Between :-

1. S.K.Visweswara Rao	14.S.Gopal Rao
2. A.Sekhar	15.Ch.Venkateswara Rao
3. L.Markandeyulu	16.B.Raja Rao
4. B.S.Anand	17.L.Ratan Singh
5. M.Vara Kumar	18.Ch.Sanjeeva Rao
6. V.Ashok Babu	19.P.Raveendra Babu
7. Ch.V.K.S.Sarma	20.N.Subba Rao
8. M.Raj Kumar	21.M.Rajanarayana
9. K.Krishna Rao	22.Fareeduddin
10.M.Ramachandra Rao	23.V.Jagadeshwar Rao
11.Mohiuddin	24.P.L.N.Chary
12.D.Veera Swamy	25.N.Yesudas
13.G.N.Anand Kumar	26.D.Yadagiri

..... Applicants

And

1. The Ordnance Factory Board,
rep. by the Director General of
Ordnance Factories-cum-Chairman,
10-A, Auckland Road,
Calcutta (West Bengal)-1.
2. The General Manager,
Ordnance Factory Project,
Yeddumailaram Village,
Dist: Medak (A.P.).

..... Respondents

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Counsel for the Applicants : Shri P.Naveen Rao

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Sri P.Naveen Rao, counsel for the applicants and Sri V.Rajeshwar Rao, standing counsel for the respondents.

2. There are 26 applicants in this O.A. They are presently working as Chargeman Gr.II-T in the scale of pay of Rs.1400-2300. They have furnished their service particulars in (Annexure-I to the O.A.) Their next promotion is ^{to} for the post of Chargeman Gr.I-T. They are governed by special rules published in S.R.O. 13-E dt.4-5-1989 entitled ^{the} Indian Ordnance Factories Group (C), Supervisory and Non-Gazetted Cadre (Recruitment and conditions of Service) Rules, 1989. It is stated that as per the said rules the selection for the post of Chargeman Gr.I(T) is to be considered by DPC constituted for the purpose.

3. They were initially appointed as Draughtsmen in the scale of pay of Rs.330-560 (Rs.1200-2040). Subsequently they opted for the post of Supervisor (Technical) in the scale of Rs.1400-2300 with effect from 1-1-86. They submit that Draughtsman/Supervisor (T)/ Chargeman Gr.II(Technical) perform similar duties.

4. They have filed this O.A. to direct the respondents to assign seniority in the grade of Chargeman Gr.II(Technical) taking into consideration their entire service as Draughtsman with effect from their original appointment and consequently publish a seniority list of Chargeman Gr.II(Technical) and to make promotions to Chargeman Gr.I (Technical) with all consequential benefits.

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78

5. The applicants herein are posted as Chargeman from the Draughtsman category. The scale of pay of Draughtsman ~~were~~ upgraded by issue of the directions some time in early 1990. As per that, the learned counsel for the applicants submits that Draughtsman should get the Seniority in the scale of pay of Rs.1400-2300 way back from 1983 and 1984 onwards and the length of service in the grade of Rs.1400-2300 should be counted from the early date, which was given retrospectively some time in early '90's. The applicant submitted such objections against ~~the provisional~~ provisional seniority list which had not given them seniority as requested by them as above. It is not clear whether any reply is given to the representations. Both sides submit different versions. Hence we are not sure of the correct facts. Be that as it may, when the O.A. is pending, the question of issue of any reply to the representations does not arise. In view of that, if any reply is given to them ^{during} in the intervening period from the date of filing the O.A. and the issue of the/such reply should be set aside and their representations have to be re-considered in accordance with the rules. On the basis of the consideration of the representations, suitable reply should be given to the applicants. After issuing suitable reply to the applicants, the provisional seniority list should be finalised in accordance with the rules. It is needless to say that, in case, the applicants are aggrieved by the final seniority list that is going to be issued, they are at liberty to take such course of action as provided in the Law.



70

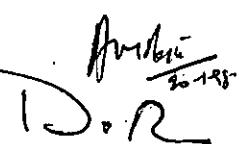
6. Counsel for the applicants submits that the promotions to higher grade are being ordered as per the provisional seniority list. He requestes that such promotions should be stopped. We have considered this fact also. As representations have already been submitted by the applicants, it will not ~~be~~ take much time to the respondents to dispose of the representations and finalise the seniority list. In view of the above, any promotions to the higher grade higher than the scale of Rs.1400-2300 should be ~~pend~~ ^{Suspended} till the final seniority list is issued.

7. In view of the above, the O.A. is disposed of. No costs.


(B.S.JJA PARAMESHWAR)
Member (J)
8/1/98


(R.RANGARAJAN)
Member (A)

Dated: 8th January, 1998.
Dictated in Open Court.


D.R.

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Copy to:

1. The Director General of Ordnance Factories-cum-Chairman,
10-A, Auckland Road, Calcutta.
2. The General Manager, Ordnance Factory Project,
Yeddu-mailaram Village, Medak District.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
5. One copy to HBSJP, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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25/1/98 (7)
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED : 8/1/98

ORDER/JUDGMENT

M.A.S.R.A/C.A.NO.

in

D.A.NO. 1550/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLEGED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

DESPATCH

27 JAN 1998

हैदरबाद न्यायपीठ
HYDERABAD BENCH