IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 1625 OF 1995

DATE OF ORDER :: 22-6-1998

BETWEEN :

| | | | |
|---|---|---|---|
| 1. | D. Rangaraju | 13. | K. Satyanarayana |
| 2. | V. Krishnamurthy | 14. | M. Rajeshwar Rao |
| 3. | A. Pratap Singh | 15. | P. Prakasham |
| 4. | Md. Muddasserali Khan | 16. | D. Yadagiri |
| 5. | Md. Moinuddin | 17. | B. Vittala Chari |
| 6. | T.S. Prasad | 18. | T.P. Venkatachari |
| 7. | P. Kamlakar | 19. | V.R. Hedaoo |
| 8. | B. Srinivasarao | 20. | K. Vijaya Saradhi |
| 9. | K. Ramalu | 21. | K. Sivasubramanian |
| 10. | M. Jayaramlu | 22. | O. Hanumanthrao |
| 11. | K. S. Paramanandam | 23. | B.Y. Achari |
| 12. | N. Ratnam | | ... Applicants |

AND

1. Union of India represented by
   the Secretary, Ministry of Defence
   New Delhi .

2. Scientific Advisor to Raksha Manthri
   New Delhi.

3. Director General,
   Defence Research Development Organisation
   Sena Bhavan,
   New Delhi.                              ... Respondents

Counsel for the Applicant    :    Shri P.B. Vijay Kumar

Counsel for the Respondents  :    Shri V. Rajeswara Rao

CORAM :

The Hon'ble Shri R. Rajgarajan, Member (A)

The Hon&ble Shri B.S. Jai Parameshwar, Member (J)

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(Order per Hon'ble Shri R. Rangarajan, Member (A))

Heard Shri Rajendran for Shri P.B. Vijay Kumar for the Applicant and Shri V. Rajeswara Rao for the Respondents.

This O.A. is filed praying for a declaration that Rule 5(2)(a) of Defence Research and Development Organisation Technical Cadre Recruitment Rules, 1995 alongwith connected sub-rules and the schedules as arbitrary, illegal and by striking down the same and direct the Respondents to place all the Foreman in the scale of Rs. 2200 - 4000 in the grade of Technical Officer Grade B allowing the seniority over all others in the cadre or atleast place all the Foreman enbloc above the Chief Draughtman and Senior Scientific Assistant under Rule 5(2)(a) with all consequential and attendant benefits.

When we read this rule (enclosed as Annexure A-1) we find that there is no rule as quoted by the Applicants. Then we asked the Learned Counsel for the Applicant as to how he can challenge a rule when that rule is not finding a place in the rule book, the Learned Counsel for the Applicant submitted that he is withdrawing this O.A and filing a fresh O.A challenging the appropriate rule in Annexure A-1 notification. Though initially the Applicant submitted that he will amend the O.A., we refused to grant permission to amend the O.A. As this O.A was filed in 1995 and the Applicant kept quite without checking whether the relief is correctly worded or not. Then reluctantly we have permitted the Applicant to file a fresh O.A. challenging the appropriate rule position in the notification, if so advised, by withdrawing this O.A. The Learned Counsel for the Applicant agreed for the same. Withdrawal of this O.A

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will not stand in the way of the Applicants to file a fresh O.A for challenging the appropriate rule. To assist the Applicants we further added that the period from 22-12-1995 i.e., filing of this O.A. till today will not be counted for the purpose of limitation, if any.
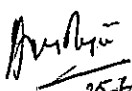
The O.A is dismissed as withdrawn with the above observations.

(B.S. Jai Parameshwar)
Member (J)
22.6.98

(R. Rangarajan)
Member (A)

## DICTATED IN OPEN COURT

### DATED :: 22-6-1998

...js/-

Copy to:

1. The Secretary, Min.of Defence, New Delhi.

2. Scientific Adviser to Raksha Mantri, New Delhi.

3. Director General, Defence Research Development Organisation, Sena Bhavan, New Delhi.

4. One copy to Mr.P.B.Vijaya Kumar, Advocate,CAT,Hyderabad.

5. One copy to Mr.V.RajeswaraRao,Addl.CGSC,CAT,Hyderabad.

6. One copy to D.R(A),CAT,Hyderabad.

7. One duplicate copy.


YLKR

8/7/98

TYPED BY                     CHECKED BY
COMPARED BY                  APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 22/6/98

ORDER/JUDGMENT

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

in

O.A.NO. 1625/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
DISMISSED FOR DEFAULT
ORDERED/REJECTED.
NO ORDER AS TO COSTS

YLKR