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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.420 of 1995

BETWEEN:

B.SATYANARAYANA

.. APPLICANT

AND

1. The Secretary, Ministry of Defence,
New Delhi,
2. The Flag Officer commanding-in-Chief,
Eastern Naval Command, Visakhapatnam,
3. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam,
4. Shri A.Chandrababu,
Sr.Chargeman, MCM, T.No.4093,
NDY, Visakhapatnam,
5. Shri U.Kondala Rao, T.No.7116,
NDY, Visakhapatnam.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.P.BHASKAR

COUNSEL FOR THE RESPONDENTS: Mr.NV RAGHAVA REDDY, Adl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

Heard Mr.P.Bhaskar, learned counsel for the
applicant and Mr.W.Satyanarayana for Mr.NV Raghava Reddy,
learned standing counsel for the respondents. The
Respondents 4 and 5 have since remained absent.

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2. The applicant herein being aggrieved by his placement below the Respondents 4 and 5 in the seniority list dated 15.10.91 has filed this OA praying for declaration that he is entitled to be shown above the Respondents 4 and 5 since he was senior and consequently to ~~set aside the seniority list dated 15.10.91 and to quash~~ the promotion order bearing No.PIR/0212/TSS dated 16.12.93.

3. In this connection the applicant had submitted a representation on 11.1.91 claiming that he is senior to the Respondents 4 and 5. It is his further grievance that the impugned seniority list dated 15.10.91 was finalised without considering his representation dated 11.1.91. Thereafter the applicant submitted a representation on 13.12.91. But a panel was prepared on 12.11.93 for promotion to the cadre of Senior Chargeman and in the said list, the name of the applicant did not figure.

4. The respondents have filed reply stating that the applicant, HSK-I (Miller), was initially appointed as Miller Grade-II on 27.3.69 and he was later promoted as Miller Grade-I (HSK-II), Mechanic (HSK-I) and MCM on 1.1.71, 18.10.78 and 12.7.91 respectively, that Shri A.Chandrababu, U.Kondala Rao (Respondents 4 and 5) were absorbed as Journeymen on 5.5.77 in the trade of Turner and hence they are eligible for Mechanic (HSK-I) on 5.5.78 on completion of one year; that they were considered by the Departmental Promotion Committee and accordingly they were promoted as Mechanic (HSK-I) on 18.10.78 when the applicant was also considered and promoted, that since the

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Respondents 4 and 5 were absorbed as Journeymen, they rank senior to the applicant, that the Journeymen are eligible for absorption as Mechanic (HSK-I) on completion of one year as Journeymen whereas the other Tradesmen are eligible for promotion after two years subject to qualifying in the test, that hence the promotions offered by the Naval Dockyard, Visakhapatnam in the grade of Senior Chargeman (Machines) are in order, that according to the combined seniority list the Respondent No.4 was empanelled for promotion to the grade of Senior Chargeman (Mech.), on the basis of the seniority-cum-fitness and not by any supersession and while considering the combined seniority list for promotion to the grade of Senior Chargeman (Mech.) and while drawing the panels in the grade, the rules prevailing at that time were strictly followed.

5. The grievance of the applicant is that he was placed below the Respondents 4 and 5 in the seniority list dated 15.10.91. His representations have not been considered. The respondents without considering the representations of the applicant dated 11.1.91 and 13.12.91 regarding his grievance as to the placement of the Respondents 4 and 5 above him, have taken a stand in the reply stating that the Respondents 4 and 5 were ^{Journeymen} Chargemen and were absorbed on completion of one year. The respondents could have stated so in clear terms while considering the representation. They have not at all considered the representation of the applicant regarding his grievance. Hence the respondents may consider the representations of the applicant in accordance with the rules and send a suitable reply. If the applicant is going

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to be aggrieved by that reply, he may approach this Tribunal on valid grounds challenging the same.

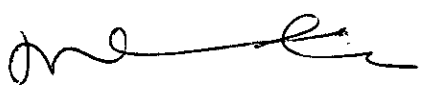
6. It is now stated that the applicant had been promoted to the grade of 1.5.96.

If the representation of the applicant referred to above is going to be decided in his favour and he regains his seniority, then the applicant should also be considered for promotion on par with his juniors on the basis of the representation.

7. Time for disposal of the representation is two months from the date of receipt of this order.


8. With the above direction, the OA is disposed of. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
28.10.97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 28th October, 1997
Dictated in the open court.

vsn


31-10-97
D. R.

10/11/97
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JUDGED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE JUSTICE

AND

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

Dated: 28-10-97

~~ORDER/JUDGMENT~~

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

in
O.A. NO. 420/95

~~Admitted and Interim Directions
Issued.~~

~~Allowed~~

~~Disposed of with Directions~~

~~Dismissed~~

~~Dismissed as withdrawn~~

~~Dismissed for Default~~

~~Ordered/Rejected~~

~~No order as to costs.~~

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II Court

