

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 569/96

DATE OF ORDER : 04-08-1998.

Between :-

C.Babu Prasad

... Applicant

And

1. The Union of India rep. by the Secretary to the Govt., Min. of Defence, South Block, New Delhi-110001.
2. The Defence Research & Development Organisation Min. of Defence, New Delhi-110001 rep by the Scientific Advisor to Defence Minister.
3. The Director, Defence Research & Development Laboratory, Kanchanbagh, Hyderabad-5000 58.

... Respondents

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Counsel for the Applicant : Shri N.Ram Mohan 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 (D)

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

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

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Heard Sri Siva for Sri N.Ram Mohan Rao, counsel for the applicant and Sri V.Rajeshwar Rao, learned standing counsel for the respondents.

2. This DA is filed praying for a declaration that the action of Respondent No.3 in not considering the case of the applicant for promotion ~~at~~ to the post of Technical Asst.'B' included in Gr.2 of category II of DRDO. TCR Rules, 1995, treating him as ineligible ^{is} as arbitrary, illegal and violative of the articles of constitution and for a consequential direction to the respondents for assessment for promotion to the post of Technical Asst.'B' along with others by subjecting him to the interview as scheduled between 6th to 9th May, 1996 and to promote him, if found suitable,

3. The applicant while working as Jr.Scientific Asst. Gr.II was promoted to the post of Technical Asst.Gr.'A' in accordance with the recruitment rules. For promotion as Technical Asst.Gr.'B' he has to put in five years of service as Technical ^{Asst} Gr.'A'. He was not having that service qualification for promotion in Gr.'A'. He submitted ^{that} ~~his~~ that his earlier service as Jr.Scientific Asst. and Draughtsman-A should be counted for the purpose of counting the ~~new~~ five years service. But that was not accepted. Hence he has filed this DA for the prayer referred to above.

4. At the time of admission an interim order was passed on 1-5-96. This interim order reads as below :-

The applicant in this DA should be interviewed between 6-5-96 and 9-5-96 or at later date if he

has put in a total of five years of service in the cadre of Tradesman 'A' and Jr. Scientific Assistant Gr. II put together and fulfils necessary educational qualification. But his result should not be published until further orders.

In pursuance of the interim order it is stated that the applicant was interviewed but his results ^{are} ~~were~~ not published yet. Today, the learned counsel for the respondents produced the letter addressed to Sri V. Rajeshwar Rao, learned standing counsel by the Administrative Officer of DRDO. A letter dt. 30-4-1998 is enclosed to that letter. Para-4 in that letter reads as under :-


4. By virtue of SRO 141 of 11th August, 1997 both the applicants become eligible for consideration for promotion as combined service in the erstwhile grades of Tradesman 'A' and JSA - II is to be taken into consideration for determining eligibility. Therefore, the SRO 141/97 is beneficial to them as relief sought by them in their OAs have been provided by the said SRO.

In view of the above, the applicant is to be considered for the post combining his services put in as Jr. Scientific Asst. and Draughtsman-A for computing the five years of service. It is also stated that this letter takes effect from a retrospective effect i.e. from the date of issuance of original recruitment rules. The learned counsel for the respondents also submits that the above observation is in accordance with the rules. Hence he has no objection for releasing the results which are kept in ^a sealed cover. The letter dt. 28-7-98 is taken on record.

5. In view of the above, the respondents are permitted to release the result of the applicant which was kept in a sealed cover in terms of interim order dt. 5-1-996. In case the applicant

is found eligible for promotion, the same should be granted to him in accordance with the rules.

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


(B.S. JAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)

61898

Dated: 4th August, 1998.
Dictated in Open Court.

avl/

OA.569/96

Copy to:-

1. The Secretary to the Govt., Ministry of Defence, South Block, New Delhi.
The Scientific Adviser to Defence Minister,
2. The Defence Research & Development Organisation, Min. of Defence, New Delhi.
3. The Director, Defence Research & Development Laboratory, Kanchanbagh, Hyderabad.
4. One copy to Mr. N. Ram Mohan Rao, Advocate, CAT., Hyd.
5. One copy to Mr. V. Rajeshwar Rao, CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

26/8/98

Drafter

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II COURT

TYPED BY
COMPILED BY

CHECKED 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: 4/8/98

ORDER/JUDGMENT

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

in

C.A.NO.

569/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS IT COSTS

YLKR

