

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1322/96.

Date of order : 15.11.1996.

Between

Syed Basha

.. Applicant

And

1. Union of India, Reptd. by its
Secretary to Govt. of India,
Min. of Defence, Navy,
South Block, DHQ P.O.,
New Delhi-110011.
 2. Chief of Naval Staff,
Naval Headquarters, DHQ P.O.,
New Delhi-110011.
 3. Commander-in-Chief,
Eastern Naval Command,
Naval Dockyard,
Visakhapatnam-14.
 4. Admiral Superintendent,
Naval Dockyard,
Visakhapatnam-14.
 5. Manager (Personnel),
Personnel Department,
R&P Section,
Naval Dockyard,
Eastern Naval Command,
Visakhapatnam-14.
 6. Manager (Weapons),
Weapon Department,
Naval Dockyard,
Visakhapatnam-14.
- .. Respondents

Counsel for the Applicant .. Shri S.Kishore

Counsel for the Respondents .. Ms. Shyama for
Shri K.Ramuloo, CGSC

C O R A M

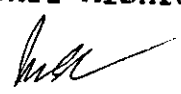
Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

By order dated 14.3.92 issued by the respondents the applicant had been promoted to the post of Sr. Chargeman (Control/Computer). That promotion was challenged by Shri J.K.Mishra in O.A.No.424/92. The present applicant was Respondent No.5 in that application. The allegation of Shri Mishra was that the promotion of the present



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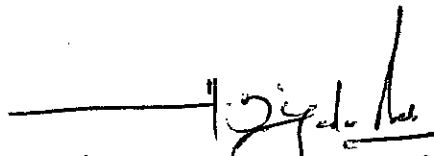
applicant was illegal and he sought a declaration to that effect.


He claims^{ed} that he was entitled to be promoted with effect from the date on which the present applicant was promoted. The present applicant, although was served, did not contest the application by filing a reply nor was present at the hearing as can be seen from para 8 of the order in the O.A. The matter was contested by the official respondents. After examining the matter in detail, the then Division Bench was pleased to set aside the order of promotion of the applicant dated 14.3.92. The official respondents were directed to consider the case of the applicant in that case viz: Shri J.K.Mishra and subject to his ^{suitability} ~~ability~~ he was directed to be promoted. In that event he was to be given benefit of the date 14.3.92 on which date the present applicant had been promoted.

2. The impugned order dated 16.10.96 had been issued by the respondents as a consequential order in compliance with the order in the abovementioned O.A. The order recites after referring to the order of the Tribunal that Shri J.K.Mishra was found suitable to be given the promotion as directed and that the order of promotion of the present applicant had been set aside by the Tribunal^{which} ^{since} purports to cancel the promotion of the applicant by order dated 14.3.92, and ^{he states that he has been} ~~has been~~ demoted to his original grade. The applicant when asked to assume charge of the post to which he was demoted has noted his objection thereto and has filed this O.A. He prays that the impugned order dated 16.10.96 be set aside and ^{it} ~~be~~ declared that he continues to hold the promotional post. The impugned order does not afford any cause of action to the applicant in-as-much as it is merely a consequential order to the directions given by the Tribunal in O.A. No. 424/92 to which the applicant was a party. Eventhough the applicant did not participate in the proceeding ~~it is stated~~ ^{is} that since the applicant was a party thereto he was bound by the said decision. He cannot seek to reopen that decision by filing a fresh O.A.

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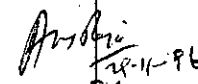
3. We thus find that the O.A. is misconceived as it is barred by the order in O.A.No.424/92 and is not maintainable. Hence the O.A. is rejected.


(H. Rajendra Prasad)
Member(A).


(M.G. Chaudhari)
Vice-Chairman.

Dated: 15.11.1996.
Dictated in Open Court.

br.


22-11-96
Deputy Registrar (DCC)

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O.A. 1322/96

To

1. The Secretary to Govt. of India,
Ministry of Defence, Navy, South Block,
DHQ P.O. New Delhi-11.
2. The Chief of Naval Staff,
Naval Headquarters, DJQ PO,
New Delhi-11.
3. The Commander-in-Chief,
Eastern Naval Command,
Naval Dockyard, Visakhapatnam-14.
4. The Admiral Superintendent
Naval Dockyard,
Visakhapatnam.
5. The Manager(Personnel)
Personnel Dept., R&P Section,
Naval Dockyard, Eastern Naval Command,
Visakhapatnam-14.
6. The Manager(Weapons)
Weapon Department,
Naval Dockyard, Visakhapatnam-14.
7. One copy to Mr.S.Koshore, Advocate, CAT.Hyd.
8. One copy to Mr.K.Ramulu, Addl.CGSC.CAT.Hyd.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

pvm

(33)

17/12/96

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

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

Dated: 15-11-1996

~~ORDER~~ / JUDGMENT

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

in

O.A.No. 1322/96

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

