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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.213/97

DATE OF ORDER : 26-2-97

Between :-

G.Nayana Babu

.. Applicant

And

1. The Command-in-Chief,
Eastern Naval Command,
Naval Dockyard, Visakhapatnam-14.
2. The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam-14.
3. The Manager (Personnel),
Personnel Department,
R & P Section, Naval Dockyard,
Eastern Naval Command,
Visakhapatnam - 14.
4. Sri M.V.Ramana
5. Sri V.S.R.B.Sharma

.. Respondents

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Counsel for the Applicant : Shri V.Venkateshwar Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

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

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri Justice M.G.Chaudhari,
Vice-Chairman).

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(Order per Hon'ble Justice Shri M.G.Chaudhari, VC).

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Shri Phani Raj for Shri V.Venkateshwar Rao for the applicant.

Shri N.R.Devaraj seeks to appear for the respondents at this stage. He is requested to file memo of appearance. Shri Phani Raj requests for adjournment on the ground that Shri V.Venkateshwar Rao not being able to attend today. We refuse to adjourn the matter/^{as}after going through the O.A. we find that it is not at all entertainable.

2. The applicant seeks only a negative relief to the effect that it may be declared that respondents 4 and 5 are ineligible for promotion to the post of Foreman in Control Computer Trade and a direction to the respondents to delete their names from the list of eligible candidates for promotion published by Respondent No.3 vide letter dt.4-10-96. That is the only relief sought by the applicant.

3. In para-3 of the OA while stating the particulars of the order against which the OA is filed, the relief as above has been indicated and the order challenged is stated to be same viz., dt.4-10-96.

4. We have carefully gone through the application. The substratum of the case of the applicant is that the respondents have failed to act consistently with the decision of the Tribunal in OA 424/92 and consequentially the inclusion of Respondents 4 and 5 in the eligibility list for promotion is illegal. It is in the para regarding the interim relief only that it is stated that if ineligible candidates are considered for promotion eligible candidates are likely to ^{lose} ~~loos~~ their legitimate chance of promotion to the said post. Here also the applicant has not indicated any right of his having been denied or likely to be denied.

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5. The jurisdiction of the Tribunal can be invoked under section 14 of the A.T.Act, 1985 in the manner prescribed under section 19 of the Act. Section 19 of the Act speaks of making an application by an aggrieved person for redressal of his grievance. Section 14 enumerates the matters which are treated as service matters in respect of which the jurisdiction under the Act can be exercised.


✓ Applying these provisions we find it difficult to describe the applicant as an aggrieved person having any locus ~~standie~~ to seek relief from the Tribunal in the absence of any grievance pertaining to himself having been sought to be redressed. The tenor of the application is in the nature of advising the respondents to act in a particular manner, as if it were a public interest litigation.

✓ Such a type of application is not contemplated to be filed filed under the AT Act.

6. We therefore hold that no cause of action has been disclosed in the application requiring the OA to be entertained and consequently further hold that the application is not maintainable and is liable to be rejected. The OA is accordingly rejected summarily.

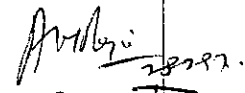
7. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 26th February, 1997.
Dictated in Open Court.

avl/


Deputy Registrar (D) cc

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O.A.213/97

To

1. The Command-in-Chief,
Eastern Naval Command,
Naval Dockyard, Visakhapatnam-14.
2. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam-14.
3. The Manager(Personnel)
Personnel Department,
R&P Section, Naval Dockyard,
Eastern Naval Command, Visakhapatnam-14.
4. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.
8. One copy to D.R.(A) CAT.Hyd.

pvm.

24/97

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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
MEMBER (ADMN)

Dated: 26-2-1997

~~ORDER~~ JUDGMENT

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

in

O.A. No.

213/97

T.A. No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

To order as to costs.

pvm.

