

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 605 OF 1997

Dated, the 9th December, '98.

BETWEEN :

Y. YADAGIRI

AND

1. The General Manager,
Ordnance Factory Project,
Ministry of Defence,
Govt. of India,
Yeddumailaram,
Medak District, A.P.

2. B. Narayana,
Token No. OFPM/1745-4/EM,
S/o and Age not known,
Switch Board Attendant
(Highly Skilled Gr.II),
Ordnance Factory Project,
Yeddumailaram,
District: Medak, A.P.

COUNSELS :

For the Applicant : Mr. P. Naveen Rao
For the Respondent : Mr. P. Rajeswara Rao

CORAM :

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)

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

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O R D E R

(PER: HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN))

1. Heard Mr. A. Sri Ganesh for Mr. P. Naveen Rao, Learned Counsel for the applicant and Mr. V. Rajeswar Rao, Learned Standing Counsel for the respondent No.1. Respondent No.2 was called absent.
2. The applicant in this O.A. was issued with an appointment order posting him as Switch Board Attendant in the Semi-skilled Grade on 30.11.91. He joined the post on 16.12.91. The selection of the applicant was done on the basis of the Interview held on 28.3.91. The R-2 was also issued with an appointment order dt. 30.11.91 for the post of Switch Board Attendant in the Semi-skilled Grade and he joined on 19.12.91. But the name of the R-2 was kept on the panel on the basis of the interview held in March, 1986. That means the R-2 was placed in the panel earlier to the applicant in the Semi-skilled Grade of Switch Board Attendant though R-2 joined the post much later than the applicant i.e. 19.12.91, whereas the applicant joined the post on 16.12.91.
3. The seniority list was issued on 13.11.95. The seniority list is at Annexure-A-II to the O.A. In that seniority list the R-2 is shown as senior to the applicant. R-2 was promoted to Highly Skilled Grade-II considering him as senior to the applicant herein by the impugned order No.623 dt. 11.4.97 at Annexure-AIV to the O.A.
4. This O.A. is filed to set aside the impugned order of promotion of R-2 to Highly Skilled Grade-II by order dt. 11.4.97 of R-1 and for a consequential direction to promote the applicant to the post of Highly Skilled Gr.II from the date of promotion of R-2 with all consequential benefits.

For



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5. In the reply, it is stated that though R-2 joined the post later than the applicant, R-2 was empanelled for the post of Switch Board Attendant in the earlier panel. The date of joining the post is not the criterion for determining the seniority of a person. The persons appointed as a result of earlier selection ^{are} being senior to those appointed as a result of subsequent selection. The learned counsel for the respondents relied on the Memorandum dt. 31.7.86 enclosed as Annexure-R1 to the reply.

6. The respondents also submitted that the applicant was shown junior to R-2 even in the semi-skilled category in the seniority list issued on 3.11.95. That seniority list was not opposed by the applicant herein. Hence, he cannot demand ~~now~~ to set aside the promotion of R-2 to Highly Skilled Gr.II.

7. No rejoinder has been filed in this O.A. It is a well settled principle that the candidates placed in the earlier panel will rank senior to the candidates empanelled in the later panel. Both the applicant and the R-2 were issued with the posting orders to the Semi-skilled on the same day i.e. 30.11.91. Joining the post may not be of much relevance. It is also relevant to mention here that the applicant should have challenged the seniority list issued on 3.11.95 whereby he was shown junior to R-2. Having failed to challenge the seniority list dt. 3.11.95 the applicant cannot now ask for seniority above that of R-2. The settled position of the seniority cannot be unsettled at a later date.

8. The O.A. was filed on 5.5.97 whereas the seniority


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was issued on 3.11.95. In view of what has been stated above we find no merits in the O.A.

9. The O.A. is accordingly dismissed, leaving the parties to bear their own costs.


(B.S. JAI PARAMESHWAR)
MEMBER (J)
9.12.98


(R. RANGARAJAN)
MEMBER (A)

Dated, the 9th December, '98.
Dictated in open Court.


DEPUTY REGISTRAR.

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Copy to:-

1. The General Manager, Ordnance Factory Project, Ministry of Defence Yeddumailaram, Medak Dist.
2. One copy to Mr. P.Naveen Rao, Advocate, CAT., Hyd.
3. One copy to Mr. B.Rajeswara Rao, Addl.CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

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23/12/98

II COURT

TYPED BY
COMPARED 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 PARAMESWAR :
M(J)

DATED: 9.12.98

ORDER/JUDGMENT

MA/R.A./C.P.No. _____

in

OA. NO. 605/97.

ADMITTED AND INTERIM DIRECTIONS ISSUED

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

SRR

