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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.878 OF 1997.

DATE OF ORDER:15-6-1999.

BETWEEN:

G.Radhakrishna Sharma.Applicant

and

1. Union of India, rep. by its Secretary to Govt. of India, Department of Economic Affairs, Ministry of Finance, North Block, Central Secretariat, New Delhi.
2. General Manager, Govt. of India, Security Printing Press, Mint Compound, Kheiratabad, Hyderabad.
3. Sri D.Raghavendar, Head Clerk, Security Printing Press, Hyderabad.
4. Sri C.Vijendar, Head Clerk, Security Printing Press, Hyderabad.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Vinaya Kumar

COUNSEL FOR THE RESPONDENTS:: Mr.V.Rajeshwar Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

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

: ORDER :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.K.Vinaya Kumar, learned Counsel for the Applicant and Mr.V.Rajeshwar Rao, learned Standing Counsel for the Official Respondents 1 and 2. Notice served on Respondents 3 and 4. Called absent.

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2. This OA is filed praying for a declaration that the Order of the 2nd respondent issued in his Proceedings O.O.No.44, dated:15-2-1997, whereby two UDCs viz., the Private Respondents 3 and 4 herein were promoted as Head Clerks in the scale of Rs.1350-2200, without considering the case of the applicant for promotion is illegal, arbitrary and discriminatory, and for a consequential direction to the respondents 1 and 2 to promote the applicant for the post of Head Clerk with retrospective effect with all consequential benefits.

3. Before the above prayer is analysed, it is necessary to dealt for some length in regard to the previous OA filed by this applicant on the file of this Tribunal. The applicant in this OA filed OA.No.247 of 1991 on the file of this Tribunal, which was decided on 28-7-1992. From the details available in the Judgment, it is evident that the applicant joined the Organisation under Respondent No.2, after having been made surplus in the year 1986 due to wind up of the Training Establishment. The applicant^{was} were taken as LDCs under Respondent No.2 fixing ^{his} seniority at the bottom of that LDC Seniority List. The applicant herein who filed the earlier OA prayed for his promotion to UDC when one of the other employees viz., Respondent No.3 in that OA was given adhoc promotion to the post of UDC. The contention of the respondents in that OA ^{was} is that the claim of the applicant for promotion on the basis of his previous service in other Department is not tenable. By giving

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that seniority, the direct recruits/promotees who are already working in that Department ^{ve} has to suffer. The learned Counsel for the Applicant in that OA also took advantage of the Full Bench decision of this Tribunal in K.A.BALASUBRAMANIAN Vs. UNION OF INDIA (reported in 1988(1) ATJ 92). That OA was disposed of directing the respondents to consider the promotion of the applicant to the cadre of UDC in accordance with the recruitment rules along with other eligible candidates, if any, as in December, 1990. If found suitable in accordance with the recruitment rules, he shall be promoted immediately on a regular basis with effect from that date. The respondents filed a SLP in Civil Appeal No.3133 of 1993. That Civil Appeal was disposed of allowing that appeal and setting aside the Judgment of this Tribunal in OA.No.247 of 1991. In the meantime, the applicant was promoted to the post of UDC as directed by this Tribunal in the said OA subject to the result of the SLP filed by the Government in the Apex Court, as per Diary Order No.5, dated:14-6-1993, (Annexure.R-IV, Page.44 to the reply). However, it is stated that the applicant was reverted as LDC in view of the allowing of the SLP, the details of which are given above.

4. The applicant was promoted to the post of Head Clerk by the impugned Order No.SPP/AI/3505/97/5380, dated:15-2-1997 (Annexure-RV to the reply), when Respondents 3 and 4 were promoted whom the applicant alleges are his juniors. The seniority of the applicant has been already

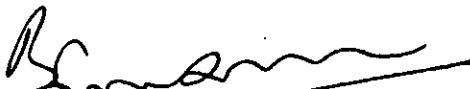
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decided by the Apex Court. The applicant joined the Department under Respondent No.2 accepting the bottom seniority of the LDCs. On that date that decided his seniority in the LDC grade. That seniority has also been approved by the Apex Court by allowing ^{of} their SLP referred to above. The applicant should get promotion to the higher grade only on that basis. It is nowhere stated that in the cadre of LDC when the applicant joined Respondent No.3 and Respondent No.4 were juniors to him.

Hence, it has to be held that Respondents 3 and 4 are senior to him from the stage of LDC and they were promoted in accordance with the rules as they fulfilled the necessary eligibility conditions for promotion to the post of Head Clerk.

5. In view of what is stated above, we find no merit in this OA. Hence, the OA is dismissed. No costs.


B.S.Jai Parameshwar

(B.S.JAI PARAMESHWAR)
MEMBER (JUDL)
1516149

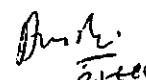

R.Rangarajan

MEMBER (ADMN)

DATED: this the 15th day of June, 1999

Dictated to steno in the Open Court

DSN


Dated

1ST AND 2ND COURT

COPY TO:-

- 1. HDHNJ
- 2. HHRP M(A)
- 3. HBSDP M(J)
- 4. D.R.(A)
- 5. SPARE

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR,
VICE - CHAIRMAN

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

THE HON'BLE MR.R.RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

ORDER: 15-698

ORDER / JUDGEMENT

MA. / RA. / CP No.

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DA. No. 878 57

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C. B. in CSEB

B. A. ST. GASTON

3.3.3.2.2

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29 JUN 1999

DISMISSED AS WITHDRAWN.

~~ORDERED / REJECTED~~

NO NEED TO ASK COSTS.

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