

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.888 OF 1997.

Date of Order:23-8-1999.

Between:

1. M.Veeranna.
2. M.M.Dubbak.
3. Dr.B.S.R.N.Rao.
4. D.Shivane.
5. M.B.Raju.
6. E.Ravindranath.

...Applicants

a n d

1. The Union of India, through
Secretary to the Govt. of India,
Ministry of Water Resources, Shram-
shakti Bhavan, New Delhi.
2. The Chairman, Central Ground Water
Board, Ministry Water Resources,
CGO Complex, NH IV, Faridabad.

...Respondents

COUNSEL FOR THE APPLICANTS :: Mr.R.Briz Mohan Singh

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narasimha Sharma

CORAM:

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

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

: O R D E R :

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

Heard Mr.R.Briz Mohan Singh, learned Counsel
for the Applicants and Mr.M.C.Jacob for Mr.B.Narasimha-
Sharma, learned Standing Counsel for the Respondents.

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2. The short facts of this case are as follows:-
3. The applicants submit that they belong to the Hydrogeologist cadre of Respondent No.2 Organisation. While they were working as Junior Hydrogeologists they submit that they should have been promoted as Senior Hydrogeologists in the year 1985 itself when their seniors vacated that post. However, they were given adhoc promotion to that post in the year 1987 by Office Order No.96 of 1989, dated:3-2-1989, (Annexure-V, page.25 to the OA). The applicants were promoted as Senior Hydrogeologists from the post of Junior Hydrogeologist with effect from 10-5-1988. Subsequently, they were promoted as Scientist-'D' with effect from 1-1-1994 as can be seen from the Office Order No.972 of 1996, dated: 27-8-1996, (Annexure.VIII, page.42 to the OA).
4. The applicants contend that the Flexible Complementing Scheme came into force in that Organisation in the year 1987, whereby promotions were assured every 5 years.If **their** adhoc promotion to Senior Hydrogeologist in the year 1987 was taken into account, then they will be entitled for promotion to the post of Scientist-'D' in the year 1992. If their adhoc promotion in the year 1985 was taken into consideration, then they will be eligible for promotion to the post of Scientist-'D' in the year 1990 under the Flexible Complementing Scheme. But without following any of these rules the applicants were promoted by Office Order No.972 of 1996 to the post

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of Scientist-'D' only with effect from 1-1-1994. By promoting them with effect from 1-1-1994, they lost their **seniority** for higher promotion to the post of Regional Director and also monetarily they lost because their promotions were at a later date by ^{which} ~~what~~ they should/ ^{have obtained} ~~asked~~ in accordance with the Flexible Complementing Scheme.

5. The applicants submit that they have represented their case for treating them as having ^{been} promoted/ ^{either} from the year 1990 or 1992 as stated by them as above to the post of Senior Hydrogeologist. But there appears to be no response from the Department.

6. This OA is filed praying for a direction to the respondents to treat them as having been promoted as Senior Hydrogeologists either from the year 1990 or at least from the year 1992 in accordance with the Flexible Complementing Scheme and award them the necessary consequential benefits.

7. It is an admitted fact that the applicants themselves have asked for pre-poning their date of appointment as Senior Hydrogeologist either from 1990 or 1992 to get the monetary and consequential benefits. Consequential benefits have not been explained by them. In our opinion the consequential benefits not only involves monetary benefits but also seniority from the date of joining in the cadre of Senior Hydrogeologist.

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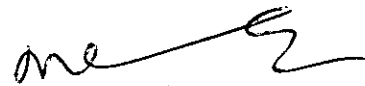
The next promotion for the applicants in the Hydrogeologist cadre as well as in the other cadres is a combined one to the post of Regional Director. For promotion to the Regional Director, the seniority has to be computed on the basis of the date of entry as Senior Hydrogeologist. If that be the case, if the applicants had been given with the seniority as Senior Hydrogeologists either from the year 1990 or 1992, the similarly placed employees in the other Wings of the Department will loose if they were promoted between 1990 and 1994 or ^{between} ~~from~~ 1992 - 1994 for further promotion as a Regional Director. Hence, before deciding the seniority of the applicants by granting them the seniority in the cadre of Senior Hydrogeologist either from 1990 or 1992, the implication of giving such seniority has to be examined. The applicants, as stated earlier, have not clearly brought this point in their application. No doubt the respondents cannot ignore this point. However, in our opinion the respondents may also likely to ignore this point which will ^{result in} ~~lead to~~ unnecessary litigations later by the employees of the other Wings of the Department. Hence, to be ^{fair} ~~clear~~ enough to everybody, we are of the opinion that the applicants should now submit a detailed representation if they so desire indicating the implications involved as discussed above and ask for the relief from the Department. The respondents should while considering the representations to be submitted now should also

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take into account the earlier representations submitted by the applicants and also the contentions raised in this OA, so as to resolve this issue amicably without leading to any further litigations from the other Wings of the Department. In our opinion the above will meet the ends of Justice.

8. In view of what is stated above, the OA is ordered accordingly. The respondents should reply the applicants within three months from the date of receipt of the fresh representations that is to be submitted by the applicants. No costs.



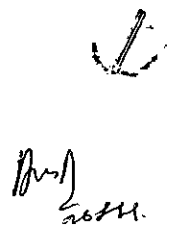
(R. RANGARAJAN)
MEMBER (ADMN.)



(D.H. NASIR)
VICE CHAIRMAN

DATED: this the 23rd day of August, 1999

Dictated to steno in the Open Court



DSN

COPY TO:-

1. HDHND
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

~~1st~~ AND IInd COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR

VICE - CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN

MEMBER (ADMN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR

MEMBER (JUDGE)

ORDER DATE.

23/8/99

MA/RA/CP.NO

IN

DA.NO.

888/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 9 SEP 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH