

CA. 981/97.

Dt. of Decision : 04-08-97

B. Nageswara Rao

.. Applicant.

VS.

1. The Director of Naval Armament
Inspection, Naval HQrs,
Min.of Defence, New Delhi..
2. The Sr.Inspector of Naval
Armament, Naval Armament Inspectorate,
Kanchanbagh, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr. K.Sudhakar Reddy

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI E.S. JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.K.Sudhakar Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant while working as Foreman (Mech.) w.e.f., 17-12-92 presumably on seniority basis was reverted to the post of Sr.Chargeman (Mech.) by the impugned order No.HI/0112 dt. 26-06-97 (Annexure-I). The applicant submits that R-1 asked for certain details for extension of benefits of regularisation of casual service to the non-petitioners in OA.1043/94 vide his letter No.CE/9303/170 dt.20-06-95 (Annexure-IV). Similar letters were also issued to R-2 by the other units also as can be seen from Page-14 to the OA. The applicant had also submitted a representation to the Head of the Department which he was working for considering his casual services also for the purpose of seniority by his representation dt.24-07-95 (Annexure-II). But it is stated that none of these reference are answered by the competent authority. In the mean time, the applicant was reverted in view of the judgement in OA.1043/94 on the file of this Bench by the impugned order dt.26-07-97. The applicant submits that he was also engaged as a casual employee earlier ~~xx~~ and if that period is also

counted in his case he will also get seniority above that of the applicants in the above referred OA. In that case he further submits that he is eligible to be continued in the present post without/^{reversion.}

3. This OA is filed to set aside the impugned order No.HI/0112/dt 26-06-97(Annexure-I) by holding it as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

4. The main contention of the applicant in this OA is that the non-counting of his casual service as was done in the case of others resulted in his reversion and issue of the impugned order. If that casual service is counted there will be no case for reverting him as Sr.Chargeman(Mech.) from the post of Foreman (Mech.). He further submits that a clarification had been asked for from the higher authorities by the unit in which he is working. But those letters are yet to be replied. He has also submitted a representation way back in 1995 for counting his casual service. Even that representation is not replied so far. Under the circumstances he submits that his reversion is irregular and he should be continued as Foreman (Mech.).

5. Under the circumstances of this case, we feel that the following direction is justifiable:-

The applicant should be accommodated temporarily now as Foreman(Mech.) if it is possible to accommodate him in that post after analysing the vacancy position and other relevant materials till the disposal of his representation. In case he cannot be accommodated his reversion may be enforced pending disposal of his representation dated 24-07-95 (Annexure-II). Till such time the representation is disposed of, if the applicant in the event of his reversion wants to go on leave he may submit leave application in accordance with law and the same should be sanctioned.

6. Time for compliance for the disposal of his representation is two months from the date of receipt of a copy of this order.

7. The OA is ordered accordingly at the admission stage itself. No costs.

(Registry should send a copy of the OA along with the judgement to R-1 and R-2)


(B.S. JAI PARAMESHWAR)
MEMBER (JUDG.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 04th August 1997.
(Dictated in the Open Court)

spr

D.R (J)

..3..

Copy to:

1. The Director of Naval Armament Inspection,
Naval Head Quarters, Min. of Defence,
New Delhi.
2. The Senior Inspector of Naval Armament,
Naval Armament Inspectorate,
Kanchanbagh, Hyderabad.
3. One copy to Mr.K.Sudhakar Reddy, Advocate,CAT,Hyderabad.
4. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A),CAT,Hyderabad.
6. One duplicate copy.

YLKR

8/8/97
C.C. today
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED 24/8/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

B.A. NO. 981/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

A/w
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
नियत/DESPATCH
6 AUG 1997
हैदराबाद ब्याचपीठ
HYDERABAD BENCH