

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / TA / RA / CP / MA / PT 1253 of 1997

..... L. Rana Seshayya Applicant(s)

Versus

..... The Secretary, M/s. Debnice, Respondent(s)
New Delhi & 381 -

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders	—	1
Interim Orders	—	—
Orders in MA (s)	—	—
Orders in (Final Orders)	26-9-97	23-27

Signature of
Dealing Hand
(In Record Section)

Certified that the file is complete
in all respects.

Signature of S.O.

8/10/97
10/3/01

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A.No. 1253 of 1997.

L. Rana Seshayya Applicants(s).

VERSUS.

The Secretary, M/o Defence,

New Delhi & 3 Es.

(Respondents).

Date

Office Note

ORDER

24/9/97

None for the applicant.
list it for dismissal on
25.9.97.

Je
HBSTP
MCS

Je
HARN
M(A)

26/9/97

OA disposed of at
the admission stage itself.
Order u/s separate sheet.
No cost.

Je
HBSTP
MCS

Je
HARN
M(A)

C.R. by today
i.e., 26/9/97.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

ORIGINAL APPLICATION NO. 1253 OF 1997.

L. Rama Seshayya

(Applicants(sS))

VERSUS

Union of India, Repd., By.

The Secretary, Min. of Defence

New Delhi on 3 ors.

Respondent(sS(S))

The Application has been Submitted to the Tribunal by Shri 335

Shri B.M. Patro

Advocate/Party-

in person Under Section 19 of the Administrative Tribunal Act. 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal(procedure) Rules 1987.

The application is in order and may be listed for Admission

No. 9-92

ax
Scrutiny Asst.

Prady
DEPUTY REGISTRAR(JUDL).

10. Is the application accompanied IPO/DD, for Rs.50/-.
10. Have Legible copies of the annexure duly attested been filed.
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done properly.
14. Has the declaration as a required by item No. 7 of form, I been made.
15. Have required number of envelopes (file six) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought form arise out of single cause of action.
- (b) Whether any interim relief is prayed for,
17. In case an Ma for connonation of delay in filed, it supported b an affidavit of the a plicant.
18. Whether t is cause ben hearded by a single bench.
19. Any other points.
20. Result of the scrutiny with initial of the scrutiny clerk.
- Yes
- 43
- 43
- 43
- 43
- 43
- 43
- 43
- 43
- may be filed

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3052/92

Report in the Scrutiny of Application.

Presented by Mr. B.M. Patra Date of presentation. 19/4/92

Applicant(s) L. Rama Seshayya

Respondent(s) The Secretary, Min. of Defence, N-Delhi, 3003

Nature of grievance Promotion cum posting

No. of Applicants 1 No. of Respondents 1

CLASSIFICATION.

Subject.....No. Department Defence (NO)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). Yes
2. Whether name description and address of all the parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and varified. Yes
(b) Has the copies been duly signed. Yes
(c) Have sufficient number of copies of the application been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a Language, other than English or Hindi been filed. -
6. Is the application on time, (see section 21) Yes
7. Has the Vakalatnama/Memo of apperance/Autorisation been filed. Yes
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied, duly attested legitable copy been filed. Yes

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD Bench: HYDERABAD

I N D E X

O.A. NO. 1253 of 1997.

CAUSE TITLE L. Rana Serhagga

V E R S U S

The Secretary, M/o Defence,
New Delhi & 3 Ors.

SL.NO.	Description of Documents	Page No.
1.	Original Application	1-7
2.	Material Papers	8-19
3.	Vakalat	1
4.	Objection Sheet	-
5.	Spere Copies	4
6.	Covers	4

Reg:- To direct the respondents 1 & 3 to continue the applicant till the date of retirement at the E.M.R. record unit in the promotional cadre of 2 Office Suptt gr-II by quashing the impugned proceedings dt 14/2/97, 2989 and 13.9.97

Bench case

IN THE HON'BLE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL
AT HYDERABAD.

Promotion cum posting

O.A.NO. 1253 OF 1997.

Defence

Between:

DEFENCE

L. Rama Seshayya.

.....Applicant.

AND

Union of India. and others.

.....Respondents.

CHRONOLOGY OF EVENTS

S.No.	Date	Description.	Pg.Nos.
1.	31-7-1998	Retirement of the Applicant.	2.
2.	11-2-1997	Representation of the Applicant.	2.
3.	14-2-1997	Prochs. Posting the applicant at Deolali issued by 3rd respondent	2.
4.	19-12-1996	Posting Order of the 4th respondent	3.
5.	23-12-1996	Amendment Orders of Posting of fourth respondent.	3.
6.	1-3-1997	The date of the w.e.f. the fourth respondent was accommodated.	3.
7.	30-4-1997 to 31-7-1997	The period where 5 vacancies were arose.	4.
8.	1-10-1997	Vacancy yet to be arisen at Secunderabad	4.
9.	14-3-1997	Appeal of the Applicant.	4.
10.	29-8-1997	Rejection of the Appeal by 2nd Respondent	4.
11.	13-9-1997	Impugned order Communicated through the 3rd Respondent.	4.

HYDERABAD.

DATE: 17-09-1997.

COUNSEL FOR THE APPLICANT.

Recd
18/9
R. N. R. Dey
M



APPENDIX-A

Form-I

See Rule-IV

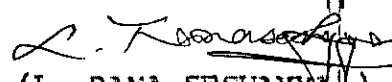
of the Administrative Tribunal Rules, 1985.

Title of the case: O.A.NO. 1253 OF 1997.

INDEX

S.No.	Date	Description.	Annexure	Pg.Nos.
1.	-	Application.	-	1 to 7.
2.	13-9-1997	Impugned Procs.communicated by the 3rd Respondent.	I	8.
3.	29-8-1997	Rejection by the Appellate Authority (Respondent-2)	II	9.
4.	14-3-1997	Appeal to the 2nd Respondent.	III	10 to 12.
5.	14-2-1997	Original Order of Promotion-cum-Pasting issued by 3rd Respondent	IV	13 to 16.
6.	11-2-1997	Representaibon of the Applicant before posting orders.	V	17.
7.	-	Relevant guidelines of Policy issued by the EME Record office	VI	18 & 19.

FOR THE USE IN THE
TRIBUNALS OFFICE.


(L. RAMA SESHAYYA.)
SIGNATURE OF THE APPLICANT.

DATE OF FILING:

REGISTRATION NO.:


COUNSEL FOR THE APPLICANT.

REGISTRAR.

(4)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A.NO. 1253 OF 1997.

Between:

L. Rama Seshayya, s/o late L. Chakrapani,
Hindu, aged about 57 years, UDC., EME Records,
SECUNDERABAD-21.Applicant.

AND

1. Union of India, represented by
its Secretary, Ministry of Defence,
NEW DELHI.
2. Directorate General of EME (EME Civ),
Master General of Ordnance Branch,
Army Head Quarters,
DHQ PO., NEW DELHI - 110 011.
3. Officer in-charge Records,
EME Records,
SECUNDERABAD-21.
4. Pulasserri Chandran,
Office Superintendent Grade-II,
Military College of EME, SECUNDERABAD-15.Respondents.

The address for service for the purpose of
servicing of Notices and Summons etc., of the above
named Applicant is that of his Counsel Mr. B.M. PATRO,
Advocate, H.No. 1-7-929, Ramnagar, Hyderabad-48.

DETAILS OF THE APPLICATION

1. Particulars of the Impugned Order against which the Application
is made:-

This Application is being filed assailing the impugned
Proceedings No.24460/Promotion/EME.Civ-3, dated 29-08-1997 of the
second respondent which was served by the Office of the third
Respondent vide its Proceedings No.1591/24/CA3, dated 13-09-1997
including the Proceedings No.1591/PO-7/97/CA3, dated 14-2-1997
of the third Respondent to the extent of Posting at Deolali.

2. Jurisdiction of the Honourable Tribunal:-

Since the Applicant is rendering services as Civilian
employee under the Respondents 1 to 3 and also in view of the

L. Rama Seshayya
W

....2....

subject matter of this application, this Honourable Tribunal alone has got jurisdiction under section-14 of the Administrative Tribunal Act, 1985.

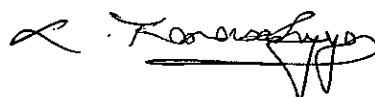
3. Limitation:-

Since the Appeal of the Applicant was rejected by the second respondent vide Proceedings dated 29-08-1997 which was served by Proceedings dated 13-09-1997 on the applicant, this application is well within the period of Limitation as prescribed under section-21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:-

a) Applicant humbly submits that he is a senior UDC and he is at the verge of retirement being 31-07-1998. His promotion as Office Superintendent Grade-II was due and his name was empanelled in the list of select panel of Office Superintendents Grade-II. While the matter stood thus, the applicant made several representations including the latest representation dated 11-02-1997 (A-^{IV} Pg.17) to the third respondent herein requesting his promotion-cum-posting orders as Office Superintendent Grade-II at Secunderabad in view of his nearer retirement as well as available vacancies arose out of various contingencies in the Units located in Secunderabad.

b) Applicant respectfully submits that while the matter stood thus, the third respondent issued Promotion-cum-Posting Orders vide his Proceedings No.1591/PO-7/97/CA3, dated 14-02-1997 (A-^{AIP} Pg.13^{4/6}) to the respective individuals including the applicant promoting from Upper Division Clerks to Office Superintendents Grade-II in the scale of Pay Rs.1400-40-1800-EB-50-2300 against existing vacancies in the corps w.e.f. 1-2-1997. In this connection, the applicant was posted^{to} Arty Static Wksp, Deolali. In this connection, regarding postings on promotion,



by the respondents 1 to 3 since the applicant is on the verge of retirement and he would retire by 10 months only.

c) The applicant further submits that infact there were two clear vacancies of Office Superintendents Grade-II were available at Secunderabad Units as on the date of issue of his promotion and the first vacancy was filled up in situ with one Sri K. Venkateswar Rao who is the first person and senior person in list of selection pannel. The next and second vacancy shall be filled up in situ with the applicant as he is the second person and senior person in the list of selection pannel. However, the second vacancy was filled-up with the fourth respondent herein contrary to the aforesaid guideline of policy as the promotees should be absorbed in situ against the available vacancies in the station as on the date of issue of promotion orders. In fact, the fourth respondent was promoted as office superintendent Grade-II and posted at Kirki, Poona by Proceedings dated 19-12-1996 since there were no available clear vacancies as on date. Since the fourth respondent did not carryout his posting at Kirki, again he was posted at New Delhi on promotion by subsequent proceedings dated 23-12-1996 without giving effect to the earlier posting orders. Inspite of the second proceedings of the third respondent, 4th respondent did not join and awaited for the favourable posting orders to be issued by the third respondent. Accordingly, without cancelling or giving effect to the earlier posting orders, the fourth respondent was accommodated in the second vacancy at Secunderabad by Procs. No.1591/16/CA3, dated 1-3-1997 contrary to the guidelines of the policy and the said vacancy must have been filled-up with the applicant instead of the 4th respondent. Therefore the action of the respondents 1 to 3 in violating their own guidelines of the policy and acted upon with vested interest is arbitrary, illegal

L. Venkateswar Rao
.....

and violative of Articles 14, 21 of the Constitution of India.

d) The applicant humbly submits that infact, there were 5 clear vacancies arose at Secunderabad Unit in between the Period from 30th April, 1997 to 31st July, 1997. However, the case of the applicant was not considered by the respondents 1 to 3 herein to retain him at Secunderabad Unit. It is relevant in this connection to state that a vacancy would be arisen by 1st October, 1997 at IEME Centre, Secunderabad due to the superannuation of one office Supnt. Grade-II by name Sri B. ^{Kameswar Rao} ~~Kansha~~ Rao. Inspite of the above vacancies, the case of the applicant for his retension at Secunderabad Unit has not been considered and as such, the action of the respondents 1 to 3 are arbitrary and illegal.

e) The applicant humbly submits that as aggrieved by the proceedings of the third respondent posting him at Deolali, he preferred a detailed appeal dated 14-3-1997 (A-III pg-10 to 12) before the second respondent by bringing the above facts in to the notice of the second respondent. The second respondent however vide his Letter No.24460/Promotion/EME Civ-3, dated 29-08-1997 (A-A-II pg 9) rejected the claim of the applicant for in-situ promotion and communicated to the third respondent and inturn the same was communicated to the applicant by the third respondent vide his Letter No.1591/24/CA3, dated 13-09-97 (A-A-I Pg- 8). The appellate order of the 2nd respondent is a non-speaking order which is not sustainable as he was exercising quasi-judicial functions. The grievance of the applicant was not at all considered on any aspect by both the authorities of respondents 2 and 3 and as such this application is being preferred before this Honourable Tribunal seeking indulgence and interference in the interest of justice from

L. Ramesh Babu
...5..

8

-/5/-

following among legal pleas. Applicant has been issued neither relieving order nor movement order so far.

5. Legal Pleas:-

i) The action of the Respondents 1 to 3 is arbitrary, illegal in passing the impugned proceedings in this application and hit by articles 14 and 21 of Articles of the Constitution of India. is questioned
quashed

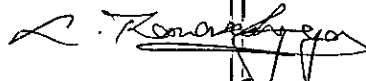
ii) The impugned orders passed by the respondents rejecting the claim of the applicant is in gross violation of their own guidelines issued in regard to postings on promotion basing on the orders issued by the Army Head Quarters.

iii) Accommodating the fourth respondent by subsequent order dated 1-3-1997 in the second vacancy which ~~was~~ arose on 1-2-1997 itself i.e., the date of the promotion of the applicant by the respondents with a vested interest and a malafide intention in order to deny the legitimate claim of the applicant and as such the impugned orders are unsustainable in the eye of law.

iv) The rejection of the claim of the applicant by the respondents 1 to 3 at the evening of his service is arbitrary and contrary to their own guidelines of the policy.

v) The non consideration of the case of the applicant in the available vacancies as on the date of promotion is arbitrary, illegal and the impugned orders are not sustainable to the extent of posting the applicant at Deolali.

vi) The appellate order is liable to be quashed as it is a non-speaking order when the Appellate Authority is


.....6.....

exercising quasi-judicial functions under the well enunciated principles of Administrative Law and also under the Catena of judgements rendered by the Apex Court of the land.

6. Details of the remedies exhausted:-

The applicant declares that as against the original order passed by the Competent Authority, he preferred an appeal and the same is turned down by the appellate authority i.e., the second respondent vide Order dated 29-08-1997 and such he has exhausted all the remedies available before invoking the jurisdiction of this Honourable Tribunal.

7. Matters not previously filed or pending with any other court:-

The applicant further declares that he has not previously filed any Application, Writ Petition or Suit regarding the same or similar relief nor any such Proceedings are pending in any court of law, that is sought for in this O.A.

8. Main Relief:-

In view of the above circumstances, it is, therefore, just and essential that this Honourable Tribunal may be pleased to direct the Respondents 1 to 3 to continue the applicant till the date of retirement at the EME Record Unit at Secunderabad in the promotional cadre of office Superintendent Grade-II by quashing the decision to the extent of the posting the applicant at Deolali in the impugned Proceedings No.1591/PO-7/97/CA3, dated 14-2-1997 of the third respondent and subsequent impugned Proceedings No.24460/Promotion/EME Civ-3, dated 29-08-1997 of the second respondent including the communication order No.1591/24/CA3, dated 13-09-1997 of the third respondent and to pass such other relief or reliefs as this Honourable Tribunal may deem fit just and necessary in the circumstances of the case.

L. Ramesh Babu
.....7.....

10

-7/-

9. Interim Relief:-

It is also just and essential that this Honourable Tribunal may be pleased to continue the applicant in the cadre of Office Superintendent Grade-II at the Unit of EME Records at Secunderabad by suspending the Impugned Proceedings No.24460/Promotion/EME Civ-3, dated 29-08-1997 of the second respondent which was communicated by the third respondent by his Proceedings No.1591/24/CA31591/24/CA3, dated 13-9-1997 including the decision to the extent of Posting at Deolali in the Original Impugned Order No.1591/PO-7/97/CA3, dated 14-2-1997 of the third Respondent pending final disposal of the ^{main case} ~~writ~~ petition, and to pass such other relief or reliefs as this Honourable Tribunal may deem fit just and necessary in the circumstances of the case.

10. Particulars of the Postal Order:-

- a) No. of the Postal Order : 8 12 687115
b) Date of purchase : 12-8-97
c) Amount : Rs.50/-
d) Name of the Post Office : 5 68 501 - A
P.D.B.D./D.D./Removes

11. List of enclosures:-


Vakalat, Material Papers, Postal Order, Covers, Pads, etc.,

VERIFICATION

I, L. Rama Seshayya, s/o late L. Chakrapani, Hindu, aged about 57 years, UDC, EME Records, Secunderabad-21, do hereby verify that the contents of the above paras are true and correct to the best of my knowledge, belief and on legal advice, and that I have not suppressed any material facts.

HYDERABAD.

DATE: 17-09-1997.


(L. RAMA SESHAYYA)
SIGNATURE OF THE APPLICANT.


COUNSEL FOR THE APPLICANT.

-8-

A-I

Telephone : 862251/2131

Vaidyut Aur Yantrik Engineer
Abhilekh Karyalaya
EME Records
Secunderabad - 500 021

1591/24/CA 3

13 Sep 97

Shri L Rama Seshayya
No 7124499H UDC
CA 3 Section
EME Records
Secunderabad

PROMOTION+CUM-POSTING : CIVILIANS

You are hereby informed that your application dated 14 Mar 97, forwarded to Army Headquarters has been rejected by them vide their letter No 24460/Promotion/EME Civ-3 dated 29 Aug 97 (copy enclosed).

ke

(BR Roy)

Lt

Asst Record Officer
for DIC Records

Encl: 1

Copy to:-

LA Civ Est - 1. For information with reference to their Note No 1248/2/141/LA Civ Est dated 10 Sep 97.

2. Necessary action to carry out the move of the individual may please be taken/as ordered vide this office promotion order No 1591/PO-7/97/CA 3 dated 14 Feb 97. In case, the individual is not willing to move, please obtain and forward unconditional unwillingness certificate to this section forthwith to cancel his promotion order.

Immediately

TC
Boh

-9-

A-II

/copy/

Tele : 3019333

Directorate Gen of EME/EME Civ
Master General of Ord Branch
Army Head-quarters
DHQ PO, New Delhi - 110 011

24460/Promotion/EME Civ-3 29 Aug 97

EME Records (LA Civ Est)
Secunderabad-500 021

PROMOTION-CUM-POSTING : CIVILIANS

1. Refer to your letter No 1248/2/63/LA Civ Est dt 12 Apr 97 and 1248/2/121/LA Civ Est dt 16 Jul 97.
2. The case for in-situ promotion in respect of No 7124499H UDC Shri L Rama Seshayya of your unit has been examined in this Dte Gen and the same is rejected.

Sd/- x-x-x-x-x-x-
(SK Panda)
Lt Col
JD EME (Civ)
For DG EME

HC
BWS

From:-

7124499H UDC L. Ramaseshayya,
EME Records (CA 3 Section),
Secunderabad-500 021.

To

Directorate General of EME (EME Civ),
Master General of Ordnance Branch,
Army Headquarters,
DHQ PO, New Delhi-110011.

THROUGH PROPER CHANNEL

PROMOTION-CUM-POSTINGS : NON-GAZETTED NON-INDUSTRIAL
PERSONNEL CENTRALLY CONTROLLED

Respected Sir,

1. Please refer to EME Records Promotion Order No. 1591/PO-7/97/CA 3 dated 14 Feb 97.
2. I the undersigned wish to submit the following few lines for your kind consideration.
3. I have been promoted to Office Superintendent Grade II and posted to Arty Static Wksp, Deolali vide EME Records Promotion Order No. 1591/PO-7/97/CA 3 dated 14 Feb 97 referred at para 1 above. In this connection, I beg to state that as per existing policy, in the available vacancies in the station, on the date of issue of promotion orders, the promotees should be absorbed in situ against that vacancy. However, in my case it is submitted that, though there were two clear vacancies of Office Superintendents Grade II, on the date of issue of my promotion order, i.e., one in EME Records and the other in MC EME, I have been denied of this opportunity and posted out to Arty Static Wksp, Deolali, inspite of my requests for adjustment in situ vide my applications dated 04 Sep 96, 11 Feb 97 and 15 Feb 97 (copies enclosed for ready reference). The above said two vacancies have been filled up, one by promoting UDC Shri KV Rao of EME Records in situ and the other vacancy which has to come to me existed in MC EME has been given to UDC Shri P Chandran against the vacancy, which had occurred after issue of his promotion order. By adjusting him in situ, all norms, rules and principles on the subject have been violated. In this connection, it is submitted that Shri P. Chandran (UDC) was promoted to Office Superintendent Grade II wef 01 Dec 96 vide EME Records Promotion Order No. 1591/PO-5/130/CA 3 dated 19 Dec 96 as amended vide No. 1591/PO-5/137/CA 3 dated 23 Dec 96 and posted to HQ Tech Group EME, since vacancy of Office Superintendent Grade II, was not available in Secunderabad on the date of issue of his promotion order. In this connection, I submit that para 5(c) of EME ROI 9/89, stipulates that promotees recommended for in situ promotions on administrative grounds, should be adjusted in situ against "an available vacancy in preference to the individual on the waiting list for posting on compassionate grounds" provided the case is referred to EME Records within 7 days from the date of issue of promotion order to accord sanction of DG EME by EME Records. In this connection, I submit that the name of UDC Shri P Chandran has not been registered on the waiting

Contd ... 2/-

list, as such his adjustment in situ, in terms of para 5(c) of EME ROI No. 8/89 is not in order. However, I do not know the procedure followed by MC EME in the case of UDC Shri P. Chandran, wherein his case was referred to Army Headquarters, breaking the channel of correspondence, while referring the matter to higher authorities.

4. Further, in accordance with Army Headquarters letter No. 89282/Policy/EME Civ-3 dated 18 Oct 96, no individual should be accommodated against an anticipated vacancy or against a vacancy occurring after the issue of promotion order. However, with the issue of absorption order in respect of UDC Shri P. Chandran in MC EME by Army Headquarters, against a future vacancy, it is obvious, that the above existing rule has been left to wind. Taking into consideration of the above facts, I request that my case for promotion in situ or in the station on the following grounds may please be considered:-

(a) By issue of my promotion-cum-posting, virtually, I am put to financial loss as I am not likely to get more than what I am getting at present. Further, it is not out of place to mention that the promotion order was also delayed to facilitate adjustment of UDC Shri P. Chandran, in situ, against all norms. His adjustment in situ has denied me the rightful chance for my adjustment in situ, forcing me to seek justice and also putting me heavy financial loss.

(b) I am the only earning member in my family and all my three children (2 sons and 1 daughter) are still studying in different colleges. In case of my move to out station on promotion, as ordered against all norms, I have to maintain two establishments, which may not be possible during the present hard days.

(c) My daughter is at present attained the marriageable age and I have to make arrangements for suitable alliance. My posting out will put hurdle to this issue at this stage.

(d) I am a hypertension patient since 1982 and under regular treatment. My move to out station with only one year 4 months left (retiring from service on 31 Jul 98 on attaining the age of superannuation) will effect adversely my health and also ruin financially.

5. In view of the above, it is requested that, the relaxation instructions issued vide Army Headquarters letter No 89282/Policy/EME Civ-3 dated 18 Oct 96, may please be invoked in my case sympathetically and necessary instruction-s may please be issued to EME Records to adjust me in situ in any local units against any one of the anticipated vacancies which are going to occur as shown under:-

(a) 7124393W O/S Gde II - 30 Apr 97 - Voluntary retiring
Shri SRM Rao from service wef.

(b) 7123635 O/S Gde II - 30 Jun 97 - Retiring from service
Shri NCJ Santhan Raj wef on attaining the
age of superannuation.

Contd ... 3/-

- 3 -

- (c) 7124459L O/S Gde II - 30 Jun 97 - Retiring from service wef on attaining the age of superannuation.
Shri KVLN Rao
- (d) 7124453A O/S Gde II - 30 Jun 97 - -do-
Shri BS Ram Prasad
- (e) 7124397M O/S Gde II - 31 Jul 97 - -do-
Shri ASN Sharma

Thanking you,

Yours faithfully,

L. Ramaseshayya

(7124499H UDC
L. Ramaseshayya)

Secunderabad,)
14-03-1997.)

Copy to:-

The General Secretary,
All India EME Civ Personnel Assn.,
Secunderabad.

- For information with a request that a case may please be taken up with DG EME, Army HQ, that the favour accorded/ granted to UDC Shri P Chandran may also be made applicable to all employees in the Corps for a uniformity in procedure on promotions.

- With a request to do the needful in the matter by personal liason with DG EME, Army Headquarters.

Shri M. Rama Joga Rao,
JCM Member,
HQ 1 EME Centre,
Secunderabad.

MC
BK

Telephone 862251/2131

Vaidyut Aur Yantrik Engineer
Abhilekh Karyalaya
EME Records
Secunderabad - 500021

1591/PQ-7/ 97 /CA 3

14 Feb 97

Unit concerned

PROMOTION-CUM-POSTING : NON-GAZETTED NON-
INDUSTRIAL PERSONNEL CENTRALLY CONTROLLED

PROMOTION : UPPER DIVISION CLERKS TO OFFICE SUPERINTENDENTS
GRADE II

1. The undermentioned Upper Division Clerks are promoted to Office Superintendents Grade II in the scale of pay bP Rs 1400-40-1800-EB-50-2300 against existing vacancies in the Corps wef 01 Feb 97. On promotion they are posted to the units mentioned against their names. Pay and allowances of the higher post will be admissible from the date of assumption of duty:-

Ser No	Number, appt and name	Unit to which posted on promotion
(a)	7124759H UDC Shri K Venkateshwara Rao (EME Records)	EME Records Secunderabad
(b)	7124499H UDC Shri Ladi Ramaseshayya (EME Records)	Arty Static Wksp Deolali
(c)	7124760X UDC Shri S. Mohana Chary (EME Records)	3 EME Centre Bhopal
(d)	7124515P UDC Smt Jeanette Pramila John (EME Records)	512 Army Base Wksp Kirkoe, Pune
(e)	7124700H UDC Shri Ishwar Singh (SC) (505 Army Base Wksp)	505 Army Base Wksp Delhi Cantt
(f)	7124770F UDC Shri R Krishnan (SC) (EME Records)	Armd Static Wksp Ahmednagar
(g)	7124908L UDC Shri Vidyanand (SC) (508 Army Base Wksp)	508 Army Base Wksp Allahabad

Lt Col

contd...2.

— 14 —

PROMOTION : LOWER DIVISION CLERKS TO UPPER DIVISION CLERKS

2. The undermentioned Lower Division Clerks are promoted to Upper Division Clerks in the scale of pay of Rs 1200-30-1560-EB-40-2040 against existing vacancies in the Corps wef 01 Feb 97. On promotion they are absorbed in situ. Pay and allowances of the higher post will be admissible from the date of promotion:-

Ser No	Number, appt and name	Unit
(a)	3410652A LDC Shri Mohan Lal	510 Army Base Wksp Meerut Cantt
(b)	14690517X LDC Shri Ramesh Kumar Arora	H7 Tech Group EME Delhi Cantt
(c)	14690537L LDC Shri Manbir Singh Aswal	MAG No 20, C/O Stn Wksp Dehradun
(d)	14690501M LDC Shri Govardhan	506 Army Base Wksp Jabalpur
(e)	14690538N LDC Shri Ravendra Singh Negi	505 Army Base Wksp Delhi Cantt
(f)	14690512Y LDC Shri Ram Nivas (SC)	509 Army Base Wksp Agra
(g)	14690502P LDC Shri Barnabas	506 Army Base Wksp Jabalpur
(h)	14690585L LDC Shri Samarendra Das Gupta	307 Station Wksp EME C/O 99 APO
(j)	14690514K LDC Shri Ramakant Mathra Dhanak (SC)	3 EME Centre Bhopal
(k)	14690544F LDC Shri Narendra Kumar	505 Army Base Wksp Delhi Cantt

PROMOTION : SENIOR STOREKEEPER TO STORE SUPERINTENDENT

3. The undermentioned Senior Storekeeper is promoted to Store Superintendent in the scale of pay of Rs 1400-40-1800-EB-50-2300 against existing vacancy in the Corps wef 01 Feb 97. On promotion he is posted to the unit mentioned against his name. Pay and allowances of the higher post will be admissible from the date of assumption of duty:-

Ser No	Number, appt and name	Unit to which posted on promotion
(a)	14690488N Senior Storekeeper Shri Vithal Mahadeo Zanzare (ST) (512 Army Base Wksp) (14690488N Senior Storekeeper)	512 Army Base Wksp Kirkee, Pune

Lt Col

contd...3.

-15-

18

- 3 -

PROMOTION : STOREKEEPER TO SENIOR STOREKEEPER

4. The undermentioned Storekeeper is promoted to Senior Storekeeper in the scale of pay of Rs 1200-30-1560-EB-40-2040 against existing vacancy in the Corps wef 01 Feb 97. On promotion he is absorbed in situ. Pay and allowances of the higher post will be admissible from the date of assumption of duty:-

Ser No	Number, appt and name	Unit
(a)	14690772K Storekeeper Shri K Appa Rao Reddy	506 Army Base Wksp Jabalpur

PROMOTION : NON-TECHNICAL PERSONNEL TO LEADING HANDS (NON-TECH)

5. The undermentioned Non-Technical individual is promoted to Leading Hand (Non-Tech) in the scale of pay of Rs 950-20-1150-EB-25-1500 (Matric scale) against existing vacancy in the Corps wef 01 Feb 97. On promotion he is posted to the unit mentioned against his name. Pay and allowances of the higher post will be admissible from the date of assumption of duty. He will be on probation for a period of two years from the date of assumption of duty. His promotion is to be affected subject to verification of his original educational qualification certificates (Middle standard and above) by SC Unit concerned. Confirmation to this effect may invariably be sent to EME Records:-

Ser No	Number, appt and name	Unit to which posted on promotion
(a)	598 Chowkidar Shri M Muddalinga Gowda (Stn Wksp EME, Bangalore)	Station Wksp EME Bangalore

6. Moves wherever applicable will be carried out on the authority of this letter.

7. Attention of the individuals may please be drawn to the provisions contained in CPRDs 11/82 & 1/84 for fixation of pay on promotion.

8. While forwarding unwillingness certificates, if any, to this office for cancellation of promotion order, the date of receipt of promotion-cum-posting order in your unit may please be mentioned. Instructions contained in Appendix 'A' to this letter will be strictly complied with.

E
contd...4.

9. The contents of Army Headquarters letter No 09282/Policy/EME Civ-3 dated 18 Oct 96, copy forwarded vide this office letter No 1662/Policy/69/CA 3 dated 15/22 Nov 96 may also be brought to the notice of individuals in whose case move on promotion is involved.

(Authority:- Army Headquarters letter No 24250/DPC Jul 96/EME Civ-1 dated 19 Aug 96)

Ahluwalia
(APS Ahluwalia)

Lt Col
Chief Record Officer
for Officer in Charge Records

M/C
B.K.

20

- 17 -

A-V

From:-

7124499H UDC L. Ramaseshayya
EME Records (CA-3 Section)
Secunderabad-500 021

To

OIC EME Records
Secunderabad-500 021

SELECT PANEL : DEPARTMENTAL PROMOTION COMMITTEE - JUL 96
FROM UDCs TO OFFICE SUPERINTENDENTS GRADE II - REQUEST
FOR ABSORPTION IN SITU - REG

Respected Sir,

1. Please refer to EME Records letter No 1704/DIC Jul 96/01/CA 3 dated 22 Aug 96.

2. Further to my application dated 04 Sep 96, I wish to submit that promotion-cum-posting orders were issued upto UDC 7124758A A Hanumantha Rao for Office Superintendents Grade II and his serial number stands at 43 in the select panel referred at para 1 above. Since my name stands at serial No 45 in the above said select panel, my promotion order is likely to be expected shortly. It is understood that 3 posts of Office Superintendents are existing in Secunderabad.

3. I therefore, request you to kindly absorb me in any one of the local units on my promotion as Office Superintendent Gde II and oblige.

4. For which act of kindness I shall every remain grateful to you.

Thanking you,

Yours faithfully,

Secunderabad,
11-02-1997.

L. Ramaseshayya
(L. RAMASESHAYYA)
7124499H UDC

Mc
Bart

A-VI

RESTRICTED

6

period on receipt of posting order, Command HQ EME/HQ Tech Group EME should see the feasibility of taking punitive action against such units and the same should be reflected in the Adm/Tech Inspection Reports. Seven days time must suffice as the unit had given a certificate that the individual will be relieved within seven days of receipt of the posting order and will not be withheld till arrival of relief. Once the posting order is issued and the individual is not wanting to move, HQ Tech Group/Command HQ EME should invoke the disciplinary powers to deal with him for rendering a false certificate.

(Para 5 of Army HQ letter No 89282/Policy/EME Civ dated 08 Apr 88).

- (n) Personnel once posted on compassionate grounds will not be eligible to apply again for any type of posting (i.e., Compassionate/medical grounds/mutual posting/posting of husband and wife in the same station) before completion of 3 years of stay in the present unit/station.

Sub Para
Nos cancelled
Vide P.O. 13/93

(Auth: Para 16 of Appendix 'A' to Army HQ letter No 70538/243/Org 4 (Civ)(b) dated 17 Sep 83).

Postings on promotion

5. While ordering promotion-cum-posting, Army HQ have decided that each case has to be considered on its merits. The following broad guide-lines will be followed:--

- (a) A person who has been posted on compassionate grounds and has not completed two years service at the desired station, if promoted against a vacancy available 'in situ' may be absorbed 'in situ' in preference to a person whose name is registered on the waiting list for posting on compassionate grounds.

(Auth: Para 1(a) of Army HQ letter No 58803/EME Civ dated 04 May 72).

- (b) A person who is reaching the age of 55 years or over and becomes due for promotion against an available vacancy 'in situ' may not be disturbed and absorbed

RESTRICTED

(22)

-19-

RESTRICTED

against the vacancy unless the promotee himself applied for a change to some desired station.

(Auth: Para 1(b) of Army HQ letter No 58803/EME CIV dated 04 May 72 and Army HQ letter No 87823/Gen/EME CIV-3 dated 15 Apr 83).

(c) If sufficient administrative grounds exist, the promotee may be retained 'in situ' provided sufficient administrative grounds are brought out within 7 days of promotion/posting order, by Comdt/OsC Unit to the notice of OIC EME Records who in turn may order the retention of that employee 'in situ' with prior approval of DG EME in preference to a person on the waiting list for posting on compassionate grounds.

(Auth: Para 1(c) of Army HQ letter No 58803/EME CIV dated 04 May 72 and Army HQ letter No 87823/Gen/EME CIV-3 dated 15 Apr 83).

(d) In all other cases, a person whose name is registered on the waiting list for posting on compassionate grounds should be given preference for posting against an available vacancy at the desired station.

(Auth: Para 1(d) of Army HQ letter No 58803/EME CIV-3 dated 04 May 72).

(e) Should a promotee(s) express his unwillingness for promotion, their representations with detailed justification of its refusal will be sent to OIC EME Records within 4 days from the date of receipt of promotion order duly accepted by the Comdt/OsC Unit in the capacity of Appointing Authority. When once the refusal of promotion is accepted by the appointing authority, OIC EME Records is competent to cancel the orders of promotion. Such of those individuals will forfeit seniority by one year for further consideration of promotion from the date his refusal is accepted by the Appointing Authority. If the reasons adduced by the individual are not accepted by the appointing Authority, disciplinary action shall also be taken against such individual in terms of Govt of

RESTRICTED

He
Burt

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1253/97.

Dt. of Decision : 26-09-97.

L. Rama Seshayya

.. Applicant.

Vs

1. The Union of India, Rep.by
its Secretary, Min.of Defence,
New Delhi.
2. The Directorate General of EME
(EME Civ), Master General of
Ordnance Branch, Army Head
Quarters, DHQ PO.,
New Delhi-11.
3. The Officer in-charge Records,
EME Records, Sec'bad-21.
4. ~~THE~~ Pulasserri Chandran.

.. Respondents.

Counsel for the applicant : Mr. B.M.Patro

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

CORAM:-

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

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

Ta

ORDER

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

Heard Mr.B.M.Patro, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA was transferred as Office Superintendent Grade-II on promotion and posted to Deolali by office order No.1591/PO-7/97/CA 3 dated 14-2-97 (Annexure-IV). His name is at Sl.No. b of the above said order. The applicant submits that he is to retire in another 10 months time and hence transferring ^{him} out of this place and post at Deolali is against the rule. He quoted the rule enclosed at Annexure-VI to the OA. Para 5(b) is relevent. This para is reproduced below:-

"A person who is reaching the age of 55 years of or over and becomes due for promotion against an available vacancy 'in situ' may not be disturbed and absorbed against the vacancy unless the promotee himself applied for a change to some desired stations."

The applicant also submits that R-4 had refused promotion ~~xx~~ earlier number of times and when the present post became vacant at Sec'bad ^(R-4) he was promoted and posted as Office Superintendent Gr-II, ~~and he was accommodated at Sec'bad.~~ Thereby his chances for promotion at Sec'bad was ~~not granted.~~ denied.

3. The applicant now submits that a post of Office Superintendent Gr-II will arise on First October, 1997 due to the retirement of Mr.B.Kameswar Rao, who is presently working as Office Superintendent Gr-II at IEME Centre, Sec'bad and the applicant can be considered for posting against that post.

4. This OA is filed praying for a direction to the respondent No.1 to 3 to continue him in the higher grade of Office Superintendent Gr-II at Sec'bad itself at the EME Record Unit instead of transferring


16


-3-

him to Deolali by setting aside the impugned posting order No.1591/PO-7/97/CA3 dated 14-2-97 pertaining to him and also rejecting his appeal for posting him at Sec'bad by the impugned order No.24460/Promotion/EME Civ-3 dated 29-08-97 (Annexure-2).

5. The main contention of the applicant in this OA is that he being at the verge ^{of} retirement should not be transferred out ~~of~~ side Sec'bad on promotion and should be promoted at Sec'bad itself. As a vacancy in October first ^{is} to arise ~~xxx~~ due to retirement of one Mr.B.Kameswar Rao he may be accommodated against that vacant post. The applicant may now submit a detailed representation for accomadating ^{him} against the post referred to above at Sec'bad itself addressed to the competent authority and submit the same on or before 29-09-97. If such a representation is received that competent authority should consider the same and give him a suitable reply following the extant rules. Till such time the reply is given to that representation the post if it arises on First October, 1997 and there is need to fill up the post the same should not be filled.

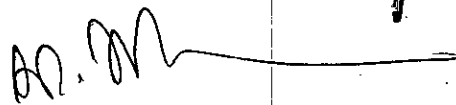
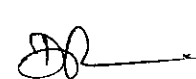
6. With the above direction the OA is disposed of at the admission stage itself. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)
26.9.97


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 26th Sept. 1997.
(Dictated in the Open Court)

spr

..4..

Copy to:

1. The Secretary, Min.of Defence, New Delhi.
2. The Directorate General of EME(EME Civ.),
Master General of Ordinance Branch, Army Head
Quarters, DHQ PO., New Delhi.
3. The Officer Incharge Records, EME Records,
Secunderabad.
4. One copy to Mr.B.M.Patro,Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

YLKR

6/10/97
cc today

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: 26/9/97

ORDER/JUDGMENT

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

in

O.A.NO. 1253/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

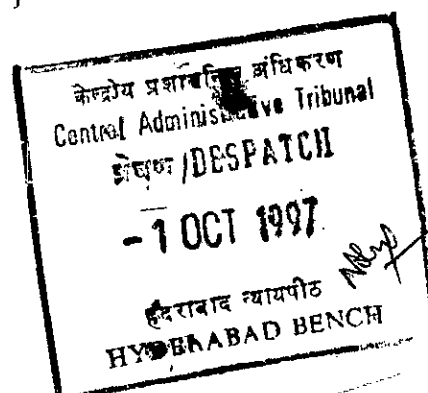
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

~~MA. RA/CP.~~~~IN~~~~0 7 PA~~

CP

73

OF 199

7

MOA 1253/97

L. Rama Seshayya

Versus

..... Lt. General M. R. Kothkar, Director General

..... of "E.M.F." New Delhi & others Respondent (S)

INDEX SHEET

Serial No

Description of Documents
and Dates.

Pages.

Docket Orders.

Interim orders

Order in MA (S)

Reply Statement

Rejoinder

Orders in (Final Orders)

1

16 to 20

8-1-98

21 to 24

Certified that the file is complete
in all respects.Signature of
Dealing Hand.

(In Record Section)

Signature of S.O.

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

C.P. No. 73/97 in O.A. No. 1253 of 1997.

L. Rama Seshayya

Applicants(s).

V E R S U S.

St. Gen. M. R. Kochhar, Director General of EME,
(EME cir) New Delhi & another

(Respondents).

Date

Office Note

ORDER

3.11.97

Heard Sri Patro, for the applicant
and Sri V. Rajeshwar Rao, for the
respondents.

2. As Sri V. Rajeshwar Rao undertakes
to file reply in the matter by
it on 4.12.97,

He
HBSJP
M(S)

HRRN
M(A)

8.1.98

C.P. closed. order on separate
sheets. No costs.

He
HBSJP
M(S)

HRRN
M(A)

EXTRACT FROM ARMY HEADQUARTERS LETTER NO B/03438/158/LR/EME Civ-3
DATED 26 DEC 97

COURT CASE : 1253/97 FILED BY UDC SHRI L RAMASESHAYYA
OF EME RECORDS IN CAT HYDERABAD

1. Refer to your letter No 1613/CC/LRS/10/CA 3 dated 23 Oct 97.

2. The case for in-situ promotion in respect of No 7124499H UDC Shri L Ramaseshayya of EME Records has been considered in this Dte Gen according to the CAT Judgement. The individual be promoted in-situ against the vacancy occurred on 01 Oct 97, which has been kept unfilled as per CAT order, under the provisions of para 5(p) of EME ROI 9/89.

3. x x x x x x x x x x x x

Sd/- x x x x x
(P K Piplani)
Executive Engineer
DD EME (Civ)
For DG EME

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL :
AT HYDERABAD.

C.A.NO. 73 OF 1997

in

O.A.NO. 1253 OF 1997

Between:

L.Rama Seshayya, S/o.late Chakrapani,
Hindu, aged about 57 years, UDC.,
EME records, Secunderabad -21.

...Applicant.

And:

~~1. Union of India, rep. by its
Secretary, Ministry of Defence,
New Delhi.~~

2. St Gen M.L.R. Kochhar
Directorate General of EME (EME Civ)
Master General of Ordnance Branch,
Army Headquarters,
DHQ PO, New-Delhi.

3. Brigadier R.S. Batra,
Officer-in-Charge Records,
EME Records,
Secunderabad-21

~~4. Pulasse Chandran,
Office Superintendent Grade-II,
Military College of EME, Secunderabad.~~

Dr. A.
... Respondents/
Contemners.

fac ts
Brief/leading to the application :

Applicant is a senior UDC and he was promoted as Office Supdt. Gr. II and posted at Deolali. Having aggrieved by his posting at Deolali, he preferred an appeal before the appellate authority and the same was turned down and against which the above O.A. was filed. This Hon'ble Tribunal was pleased to dispose of the said O.A. at the admission stage by order dt 26-9-97. ~~xxxxxx~~ The respondents herein have deliberately disobeyed the orders of this Hon'ble Tribunal and held liable for contempt of this Hon'ble Tribunal. Hence this application. The affidavit accompanying this application may be read as part and parcel of this application including the Original Application.

Prayer:

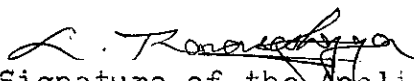
In view of the facts and circumstances stated in the above paras it is therefore prayed that this Hon'ble Tribunal may be pleased to summon the respondents herein and punish them under the contempt of Courts Act and under the relevant Provisional of ATA, 1985 for violating the orders passed on 26-9-97 in O.A. 1253/97 and pass such other order or orders as this Hon'ble Tribunal may deem fit just and necessary in the circumstances of this case.


Verification:

I, L.Rama Seshayya, S/o late Chakrapani, Hindu aged about 57 years, UDC, EME Records, Secunderabad do hereby verify that the contents of the above paras are true and correct to the best of my knowledge, belief and on legal advice and that I have not suppressed any material facts.

Hyderabad;

20-10-97.


Signature of the Applicant


Counsel for the Applicant.

(4)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

CONTEMPT APPLICATION 73 /97

in

OA 1253/97

Between:

L. Rama Seshayya, S/o late L. Chakrapani
Hindu, aged about 57 years, UDC., EME Records,
Secunderabad-21

... Applicant/Petitioner

AND

1. ~~Union of India, represented by
its Secretary, Ministry of Defence,
New Delhi.~~

2. Lt Gen M.R. Kochhar
Directorate General of EME (EME Civ),
Master General of Ordnance Branch,
Army Headquarters,
DHQ PO, New Delhi-110 011.

3. Brigadier R.S. Batra,
Officer-in-Charge Records,
EME Records,
Secunderabad-21.

4. ~~Pulasseri Chandran,
Office Superintendent Grade-II,
Military College of EME, Secunderabad-45.~~ ... Respondents

(First and fourth respondents are not necessary parties)

AFFIDAVIT FILED BY THE APPLICANT

1. I, L. Rama Seshayya, S/o of Late L. Chakrapani, aged about 57 years, Hindu, UDC, EME Records, Secunderabad-21, do hereby solemnly ~~and~~ affirm and state as follows:

2. I respectfully submit that I am a senior UDC and am at the verge of retirement. My promotion as Office Superintendent Grade II was due and was promoted as Office Superintendent and posted at Deolali by proc dated 14-2-97 of the

Page;
Corrns;

Attestor

Deponent.

3rd respondent. Having aggrieved against by the action of the 3rd respondent in so far as posting me at Deolali contrary to the circular/guide lines issued by the Army Headquarters, I preferred a detailed appeal dated 14-3-97 before the 2nd respondent pointing out several irregularities committed by the respondents herein in my case and accomodating one un-official respondent in a vacancy particularly I am entitled in accordance with the guide lines of the circular/policy, in turn the same was rejected by proc. dated 29-8-97 and communicated by the 3rd respondent vide proc. dated 13-9-97. Having aggrieved by the inaction of the respondents herein, I preferred the above OA before the Hon'ble Tribunal narrating all the points seeking a relief of questioning the impugned procs of the concerned respondents herein on various legal pleas and sought further direction to continue me in the promotional post of Office Superintendent Grade II at the EME Records unit, Secunderabad.

3. I further submit that this Hon'ble Tribunal by order dated 26-9-97, disposed of my case at the admission state itself, with a direction to me to make a detailed representation for accomodating me against the post which arises as on 1st October 97 due to retirement of one Mr. B. Kameswara Rao to the competent authority on or before 29-9-97 and thereafter respondent was directed, if such a representation is received that competent authority should consider the same and give me a suitable reply following the extent rules and till such time if there is need to fill up the aforesaid post, the same should not be filled up. Accordingly, I immediately submitted a detailed representation dated 27-9-97 itself enabling the respondents herein to take appropriate action as per the directions of the Hon'ble Tribunal. However, inspite of the direction of the Hon'ble Tribunal, the 2nd and 3rd respondents deliberately without having any respect

towards the order passed by this Hon'ble Tribunal, on 27-9-97 issued some proceedings posting one Mr. G. Sreedharan in the post in dispute. It is inevitable at this stage to state that in the afore said proceedings posting Mr. G. Sreedharan, the concerned officials manipulated and made corrections regarding the date of proceedings as 26-9-97 in place of 27-9-97 in order to escape from the liability of contempt as well as to deprive of my legitimate claim which is a serious offence besides gross and utter contempt of this Hon'ble Tribunal.

4. I further submit that the respondents having received my representation much before the time stipulated by the Hon'ble Tribunal, just ignored the orders of this Hon'ble Tribunal so also so the respondents cannot pass orders filling up the post even before the retirement of the concerned individual. Therefore the action of the respondents in this context reflects absolute malified intention. In fact, there is no senior/junior concept in filling up the post in situ as per the guide lines of the policy issued by the Army Headquarters. Therefore, the action of the respondents has caused a lot of injustice and therefore the ~~proper~~ indulgence of this Hon'ble Tribunal may be warranted in my case in the interest of justice. It is also an another aspect to be brought it before the Hon'ble Tribunal that one Mr. M. Joga Rao, Office Superintendent Gde II of 1 EME Centre, Secunderabad suddenly demised recently on 28-9-97 resulted a vacancy of Office Supdt Grade II. As a whole the respondents herein deliverately with a malified intention violated the orders of the Hon'ble Tribunal by filling up the post in dispute and as such they are liable to contempt of this Hon'ble Tribunal. The OA may be read as part and parcel of this application for the purpose of total facts of the case.

It is therefore prayed that this Hon'ble Tribunal may be pleased to summon the respondents herein and punish them under the relevant provisions of ATA 1985 and also under the Contempt of Court Acts for violation of the direction issued by the Hon'ble Tribunal in OA 1253/97 on 26-9-97 with costs and pass such other relief or reliefs as this Hon'ble Tribunal may deem fit just and necessary in the circumstances of the case.

L. K. K...
Deponent.

Solemnly affirmed and
signed on the day of
20-10-97 before me.

(Ocey)
Advocate/Hyderabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.1253/97.

dt. of Decision : 26-09-97

L. Rama Seshayya

Vs

Applicant.

1. The Union of India, Rep.by
its Secretary, Min.of Defence,
New Delhi.

2. The Directorate General of EME
(EME Civ), Master General of
Ordnance Branch, Army Head
Quarters, DHQ PO.,
New Delhi-11.

3. The Officer in-charge Records,
EME Records, Sec'bad-21.

4. ~~Mr~~ Pulasseri Chandran.

.. Respondents.

Counsel for the applicant : Mr. B.M.Patro

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

CORAM:-

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

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

Jr

ORDER

CRAI ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADM.))

Heard Mr. B. M. Patro, learned counsel for the applicant and Mr. V. Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA was transferred as Office Superintendent Grade-II on promotion and posted to Deolali by office order No. 1591/PO-7/97/CA 3 dated 14-2-97 (Annexure-IV). His name is at Sl. No. b of the above said order. The applicant submits that he is to retire in another 10 months time and hence transferring ^{him} out of this place and post at Deolali is against the rule. He quoted the rule enclosed at Annexure-VI to the OA. Para 5(b) is relevant. This para is reproduced below:-

"A person who is reaching the age of 55 years of or over and becomes due for promotion against an available vacancy 'in situ' may not be disturbed and absorbed against the vacancy unless the promotee himself applied for a change to some desired stations."

The applicant also submits that R-4 had refused promotion ~~in~~ earlier number of times and when the present post became vacant at Sec'bad ^(R-4) he was promoted and posted as Office Superintendent Gr-II and he was ~~accommodated at Sec'bad~~. Thereby his chances for promotion at Sec'bad was ~~not granted~~ denied.

3. The applicant now submits that a post of Office Superintendent Gr-II will arise on First October, 1997 due to the retirement of Mr. B. Kameswar Rao, who is presently working as Office Superintendent Gr-II at IEME Centre, Sec'bad and the applicant can be considered for posting against that post.

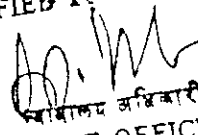
4. This OA is filed praying for a direction to the respondent No. 1 to 3 to continue him in the higher grade of Office Superintendent Gr-II at Sec'bad itself at the EME Record Unit instead of transferring

him to Deolali by setting aside the impugned posting order No.1591/PO-7/97/CA3 dated 14-2-97 pertaining to him and also rejecting his appeal for posting him at Sec'bad by the impugned order No.24460/Promotion/EME Civ-3 dated 29-08-97 (Annexure-2).

5. The main contention of the applicant in this OA is that he being at the verge ^{of} retirement should not be transferred out of side Sec'bad on promotion and should be promoted at Sec'bad itself. As a vacancy in October first ^{is} to arise ~~due~~ due to retirement of one Mr.B.Kameswar Rao he may be accommodated against that vacant post. The applicant may now submit a detailed representation for accomadating ^{him} against the post referred to above at Sec'bad itself addressed to the competent authority and submit the same on or before 29-09-97. If such a representation is received that competent authority should consider the same and give him a suitable reply following the extent rules. Till such time the reply is given to that representation the post if it arises on First October, 1997 and there is need to fill up the post the same should not be filled.

6. With the above direction the OA is disposed of at the admission stage itself. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

- 4 -

(14)

From:- 7124499H UDC
L. Ramaseshayya
(CA 3 Section)
EME Records
Secunderabad-500 021

To

The Officer Incharge Records,
EME Records
Secunderabad-500 021

THROUGH PROPER CHANNEL

Sir,

Sub:- APPLICATION CONSIDERING MY CASE TO BE RETAINED
AT SECUNDERABAD UNIT IN THE CADRE OF OFFICE
SUPERINTENDENT GRADE II - REG

Ref:- Case OA 1253/97 on the file of Honourable Central
Administrative Tribunal, Hyderabad.

1. I hereby submit the following few lines for your kind consideration and appropriate favourable directions may be given in this connection as expeditiously as possible.
2. I submit that I am a senior UDC and I was promoted to Office Supdt Grade II and posted at Deolali by promotion-cum-posting order No 1591/PO-7/97/CA 3 dated 14 Feb 97 by your authority. However, having aggrieved by your order of posting, I preferred an appeal to The Directorate General of EME (EME Civ), Master General of Ordnance Branch, Army HQ New Delhi and the same has been rejected. Ultimately having found no alternative for redressal of my grievance, I approached the Honourable Central Administrative Tribunal and by order dated 26-9-97, the Honourable Tribunal in the case cited in the above reference disposed of my application directing you to consider my grievance in the light of guide line/extent rules issued by the Army Headquarters at New Delhi, on my representation to be submitted on or before 29-09-97. Hence, this representation. I have brought all the contentions before the notice of the Honourable Tribunal and the same may be perused and favourable orders may be issued particularly taking my date of retirement into consideration as per the extent rules. I am herewith enclosing the copy of the above reference OA and order dt 26-09-97 passed in the aforesaid OA alongwith this representation for your kind consideration and praying for favourable orders enabling me to join in the promotional post of Office Supdt Gde II by 01-10-1997 and for which act of kindness I am obliged for ever.

Thanking you,

Yours faithfully,

Secunderabad, }
27-09-1997. }

L. Ramaseshayya
(7124499H UDC)
L. RAMASESHAYYA

27 Sep 97

Enclosures:

1. Copy of the OA 1253/97.
 2. Copy of the order dated 26-09-97 in OA 1253/97.
- [Signature]*

NOTING SHEET

EME RECORDS SECUNDERABAD-21

Case No. 1636/CA 3

Page No. 1 of 2

POSTING ON COMPASSIONATE GROUNDS : CIVILIANS

1. Application dated 25 Jul 97 requesting for posting on compassionate grounds in respect of 7125031F O/Suptd Gde II Shri G Sridharan to his choice station Secunderabad is placed opposite,
2. The name of 7125031F O/Suptd Gde II Shri G Sridharan registered in the waiting list and stands at serial No. 1 for posting to his choice station Secunderabad.
3. The vacancy position of his choice station has been examined. The posting is earmarked based on the availability of vacancy at his choice station. The vacancy position of O/Suptd at EME Units located in Secunderabad as on date is as under :-

	<u>Auth.</u>	<u>Held</u>	<u>Dues In</u>	<u>Def</u>
(a) EME Records	15	14	1	-
	+ 1*	+ 1*		
	+ 10	+ 10		

* Corps vacancy.

@ Vacancy temporarily transferred from 3 EME Centre Bhopal to accommodate office bearer of the Assn.

(b) MC EME	4	4	-	-
(c) HQ 1 EME Centre	6	6	-	-

4. One vacancy of O/Suptd will occur at HQ 1 EME Centre Secunderabad due to superannuation of 7124394 O/Suptd Shri B Kameswara Rao Wef 01 Oct 97. This proposal of posting has no effect as no candidates from Record Office and 1 EME Centre are on the select panel for situ promotion.

L. too junior

Contd ...2.

- 6 -

13

NOTING SHEET

EME RECORDS SECUNDERABAD-21

Case No 1636/CA 3

Page No 2 of 2

--: 2 :-

5. In view of the above, posting proposal in respect of 7125031F O/Supdt Shri G.Sridharan from 515 Army Base Wksp, Bangalore to Hqs 1 EME Centre, Secunderabad is recommended and move will be carried out on or after 01 Oct 97.

6. Submitted for approval please.

[Signature]
(BR Roy)
Lieut
Sec Offr CA 3

Sep 97

OIC CA Group

2
Para 5 is recommended
please.

Colonel Records

[Signature]

[Signature] 28/9

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL : AT HYDERABAD.

C.A. of 1997

in

O.A. 1253 of 1997.



MATERIAL PAPERS

Handwritten signature
28/10/97

Filed On:

Filed by:

B.MPATRO
(Counsel for the applicant)

24/10

Contempt Pet
BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD.

C.A.NO. OF 1997.

in

O.A.NO. 1253 OF 1997.

Between:

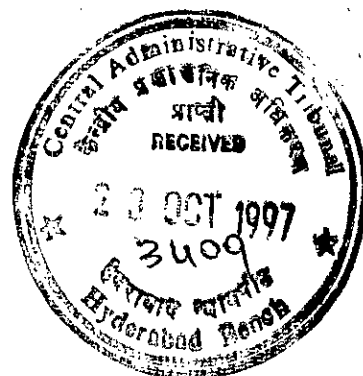
L.Rama Seshayya ...Applicant.

And:

Union of India rep.
by its Secretary,
Ministry of Defence,
New-Delhi and others... Respondents/
Contemporors.

Received
23/10/97

CONTEMPT APPLICATION



Filed On @

Filed by:

B.M. PATRO

1954

1954

1954-1955

1954-1955
1954-1955
1954-1955
1954-1955
1954-1955

1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955

1954-1955

1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955

1954-1955

1954-1955

1954-1955

1954-1955

1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955
1954-1955

1954-1955

1954-1955

1954-1955

1954-1955

1954-1955

1954-1955

1954-1955

16

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

CP NO : 73 OF 1997

IN

OA NO : 1253 of 1997

BETWEEN:

L. Ramaseshaiah

.....APPLICANT

AND

**The Union of India rep. by the
Secretary, Ministry of Defence,
New Delhi and others:**

.....RESPONDENTS

REPLY ON BEHALF OF RESPONDENTS - IN THE

CONTEMPT PETITION


**I, SL-02795X Major Rattan Singh S/O Pratap Singh aged 47 years
R/O MES Colony, Venkatapuram do hereby solemnly and sincerely
state as follows:**

**1. I am working as Adm Officer in the office of EME Records
as such I am acquainted with the facts of the case. I am
filing this reply on behalf of respondents and I am authorised
to file the same.**

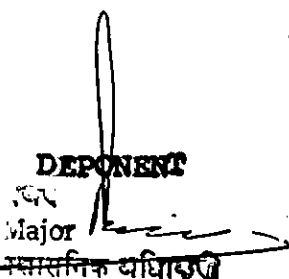
**2. It is respectfully submitted that the respondents have
great respect towards the Hon'ble Tribunal and they never
violated any orders/directions of this Hon'ble Tribunal. The
present contempt petition is filed without any basis and following
facts will indicate that the respondents have fully complied
with the directions given by the Hon'ble Tribunal.**

**3. It is most respectfully submitted that the applicant has
filed the OA NO : 1253 of 1997 questioning the transfer order
No: 1591/PO.7/97/CA 3 dated 14-2-1997. The Hon'ble Tribunal
disposed off the OA at the admission stage itself by an order
dated 26-9-1997.**

ATTESTER


Capt.
मनुप्रभा लघिकारी सी ए-3
SO CA-3
ई एम ई अभिलेख
EME Records

DEPONENT


Major
समानिक अधिकारी
Adm Officer
ई.एम.ई. अकिलेख
EME Record Office

The relevant operative portion is extracted below :

"As a vacancy in October first is to arise due to retirement of one Mr. B. Kameswar Rao he may be accommodated against that vacant post. The applicant may now submit a detailed representation for accommodating him against the post referred to above at Sec'head itself addressed to the competent authority and submit the same on or before 29-9-1997. If such a representation is received that competent authority should consider the same and give him a suitable reply following the extant rules. Till such time the reply is given to that representation the post if it arises on first October 1997 and there is need to fill up that post the same should not be filled".

4. It is submitted that as per the directions of this Hon'ble Tribunal, the applicant has to submit a detailed representation requesting the authorities for accommodating him against the post which was stated to be arose on the retirement of one Sri B Kameswara Rao. In pursuant to this direction the applicant has submitted a representation dated 27-9-1997 (P-4 of the C.P) wherein the applicant did not specifically requested the authorities to accommodate him against the said Kameswara Rao and he requested the authorities to pass favourable orders enabling him to join in the promotional post of Office Superintendent Grade-II. So basing on the representation, a vacancy of Office Superintendent Grade-II which occurred in Secunderabad on 28-9-1997 was kept unfilled till a decision was taken by the competent authority i.e. The Director General, Army Headquarters. So there is no prejudice caused to the applicant.

ATTESTER

DEPONENT

Major

प्रशासनिक दफ्तर

Adm Officer

ई.एम.ई. अफिलेख कार्यालय

EME Record Office

Contd.....3/e

अफिलेख

अनुरोध अधिकारी सी ए-३

SO CA-3

ई.एम.ई. अफिलेख

EME Records

5. In reply to para 2 of C.P, it is submitted that the applicant has been posted to Arty Static Wksp Deolali due to non-availability of vacancy in the station at the time of promotion. It is correct that, he is senior in the select panel. As per policy, vacancy occurred at a later date is called "future vacancy". Therefore, the applicant promoted on 01 Feb 1997 and posted to Arty Static Wksp, Deolali and the applicant cannot be adjusted against future vacancy. The applicant had submitted a representation and the same was forwarded to Army Headquarters for a decision, being the competent authority. The request of the applicant has been rejected on the same plea that the applicant cannot be adjusted against future vacancy.

6. In reply to para 3 and 4 of CP, it is submitted that in complying with the direction, the applicant Sri L Ramaseshayya submitted an application dated 27th September 1997 to the Officer-in-Charge Records. The applicant's said application together with a copy of CAT order dated 26 Sept. 1997, was forwarded to Directorate General of EME (EME Civ), Army Headquarters, being the Competent Authority, on 03 Oct. 1997, seeking further instructions in the matter. It is also confirmed that no action to fill the vacancy will be initiated by the respondents till the decision of Competent Authority is received.

There is no Contempt as alleged by the applicant. Hence the Hon'ble Tribunal may be pleased to dismiss the contempt petition.

solemnly sworn and signed
his name on the ^{12th} day of November 1997
before me.

BEFORE ME

ATTESTER

Capt.
Sd/-
SO CA-3
EME Records

DEPONENT

Major

Arm Officer

EME Record Office

Telephone : 862251/2131

BY HAND

Vidyut Aur Yantrik Engineer
Abhilekh Karyalaya
EME Records
Secunderabad - 500 021

1613/CC/LRS/19/CA 3

NOV 97

Shri V. Rajeswar Rao, Advocate
House No. 104/2RT
Sanjeevareddy Nagar Colony
Hyderabad - 500 038

Sir,

COURT CASE : OA 1253/97 FILED BY
SHRI L RAMASESHAYYA - CP NO: 73 OF 1997

1. Please refer to your letter dated 05 Nov 97.
2. Reply on behalf of respondents in the Contempt Petition (CP No 73 of 1997 in OA No 1253/97) between Shri L Ramaseshayya v/s UOI and others is forwarded herewith in quadruplicate for further action.
3. The progress of the case may please be intimated to this office.

Yours faithfully,

(ER Roy)

Lt
Asst Record Officer
For Officer Incharge Records

Encls: 12

Copy to:-

Directorate General of EME (EME Civ)
Master General of the Ord Branch
Army Headquarters
DHQ PO New Delhi - 110011

- 1. Further to this office letter No 1613/CC/LRS/13/CA 3 dated 31 Oct 97.

2. A copy of the reply on behalf of respondents in the Contempt Petition filed by UDC Shri L Ramaseshayya is forwarded herewith for information please.

Encls: 3

21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP 73/97 in OA 1253/97

DATE OF ORDER : 08-01-1998.

Between :-

L.Rama Seshayya

... Applicant

And

1. St.GenM.R.Kochhar
Directorate General of EME (EME Civ),
Master General of Ordnance Branch,
Army Headquarters,
DHQ PO, New Delhi.

2. Brigadier R.S.Batra,
Officer-in-Charge Records,
EME Records, Sec'bad.

... Respondents

-- -- --

Counsel for the Applicant : Shri B.M.Patro

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

-- -- --

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

-- -- --

R.

1

... 2.

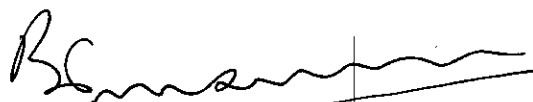
- 2 -

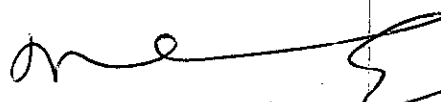
(Order per Shri R.Rangarajan, Member (A)).

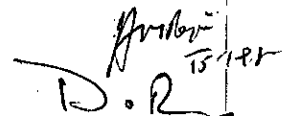
-- -- --

Heard Sri B.M.Patro, counsel for the applicant and Sri V.Rajeshwar Rao, standing counsel for the respondents.

2. Counsel for the respondents now submits that the judgement in O.A.1253/97 had been complied with. The learned counsel for the applicant also submits that the directions are complied with. In view of the above, the C.P. is closed. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
8-1-98


(R.R. ANGARAJAN)
Member (A)


D.R.

Dated: 8th January, 1998.
Dictated in Open Court.

avl/

..3..

Copy to :

1. St. Gen M.R. Kochhar, Directorate General of EME (EME Civ.)
Master General of Ordinance Branch, Army Head Quarters,
DHQ PO, New Delhi.
2. Brigadier R.S. Batre, Officer in Charge Records,
EME Records, Secunderabad.
3. One copy to Mr. B.M. Patro, 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 copy for duplicate.

YLKR

6
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED:

8/1/98

ORDER/JUDGMENT

~~M. A. / R. A. / C. A. NO.~~ CP: 73/97

in

B. A. NO.

1253/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP closed

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

