

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

O.A.No.621 of 1999.

DATE OF ORDER:3-4-2000.

Between:

G.Prabhakar Rao.

.....Applicant

a n d

1. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.

2. The Deputy General Manager, (P & R),
Naval Dockyard, Visakhapatnam.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Sudhakar Reddy

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

CORAM:

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

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

: O R D E R :

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

Heard Mr.K.Sudhakar Reddy, learned Counsel for the
Applicant and Mr.B.Narsimha Sharma, learned Standing Counsel
for the Respondents.



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2. The applicant in this OA is now working as Senior Chargeman (PPC) in Weapon Branch as departmental candidate against direct recruitment quota, vide Order dated 19-1-1989. Earlier OA.No.388 of 1994 was filed in this Bench, which was disposed of on 21-4-1997. The applicant there also ^{was} ~~im~~pleaded as a private respondent in that OA.

3. ^{judgment} In that OA, the Seniority List dated 26-9-1990 was observed as faulty and also termed as arbitrary. Hence, it was held that promotion to the post of Foreman(PPC) made on the basis of inter-se seniority list cannot also be held as tenable. Further in Para.22 it was observed that, it is for the department now to devise a suitable method for fixing the inter-se seniority amongst the directly recruited Senior Chargeman(PPC) recruited by select list dated 30-1-1989 to avoid seniority litigation for future promotions. The method to be adopted had to be devised after giving due notice to the affected parties in accordance with the law. The respondents observation in regard to the preparation of seniority list has been indicated in Para.12, which was based on the marks obtained though the question paper ^{which} was different for the different disciplines. Hence, it was held, ^{that} such a method may not be appropriate in fixing the seniority of the direct recruits. Because of that reason only, the Seniority List issued on 26-9-1990 was set aside as stated earlier. In the relief column in Sub.Para(3) of Para.23, the respondents were directed to take action to devise a suitable method for fixing the inter-se seniority of the Chargeman(PPC) recruited as per the list dated 30-1-1989 after giving due notice to all the affected parties following the extant instructions.

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4. The respondents reported to have issued the seniority on the basis of the Judgment in that OA, vide the Provisional Seniority List date 20-4-1998, (Annexure.A-7, page 26 to the OA). In that list the name of the applicant is shown below Sri K. Bulliabbai. The applicant contends that he has got more marks than Sri K.L.Mondal and since Sri Mondal has been shown above Sri Bulliabbai, he should also been shown above Sri Mondal and on that basis he should have been given promotion to the post of Foreman against SC quota as he is an SC candidate.

5. This OA is filed praying for a direction to the respondents to consider the applicant herein for promotion to the post of Chargeman-I (equivalent to Foreman) with effect from 1-3-1995 on par with his junior Sri K.L.Mondal with all consequential benefits.

6. In the earlier OA, we have already set aside the Seniority List issued on 26-9-1990, which is enclosed as Annexure.IV, page 20 to the OA. The provisional seniority list purported to have been issued in pursuance of the directions in OA.No.388 of 1994 is at Annexure.VII, page 26 to the OA. We have compared the earlier seniority list dated 26-9-1990 with that of the latter one dated 20-4-1998. We find that the seniority list does not undergo any change except that Sri K.L. Mondal has been shown above Sri K.Bulliabbai, whereas earlier Sri K.L.Mondal was shown below Sri K.Bulliabbai. We feel that the respondents have not prepared the seniority list in accordance with the rules. Had they prepared the seniority list in accordance with the rules, they could have easily stated the various



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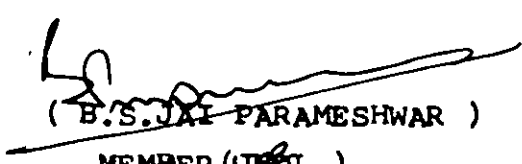
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parameters that were taken while preparing the seniority list dated 20-4-1998. No such parameters have been indicated in the seniority list though it is termed as provisional. Even while issuing the provisional seniority list, broad guidelines for preparing provisional seniority list should be indicated so that the employees coming under the seniority list will be able to appreciate the method of preparation of the seniority list and also compare their position in the seniority list with that of others and decide whether that seniority list is in order or not. In the absence of such details, we are of the opinion that even the seniority list issued on 20-4-1998 does not carry conviction. Hence, this seniority list also has to be set aside even though it is a provisional one and another seniority list in accordance with the law should be prepared.

7. In this connection, we have made some general observations in regard to the preparation of seniority list in paras.4 and 9 of OA.No.1028 of 1995, decided on 23-2-1998. These parameters may not be exactly same as required in this case. The guidelines given in that should also be kept in mind by the respondents while issuing another provisional seniority list for the post of Senior Chargeman (PPC) superseding the earlier provisional seniority list issued on 20-4-1998. Till such time the fresh provisional seniority list is issued and finalised, the post of Foreman should not be filled. If it is contemplated to fill up the post of Foreman after issue of the seniority list in pursuance of the above direction, such promotion should be made only a fortnight after the seniority list is issued.

Time for compliance is four months from the date of receipt of a copy of this Order.

8. With the above direction, the OA is disposed of. No costs.

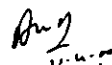

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: this the 3rd day of April, 2000

Dictated in the Open Court

DSN


11.4.00

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH:HYDERABAD

COPY TO:-

1ST AND 2ND COURT

1. HDHND

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

2. HRRN:MEMBER:(ADMN)

3. HBSJP:MEMBER:(JUDL)

THE HON'BLE MR JUSTICE DH:NASIR
VICE-CHAIRMAN

4. D.R. (ADMN)

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

5. SPARE

THE HON'BLE MR.BS.JAI PARAMESHWAR:
MEMBER(JUDL)

6.ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

8/11/00

~~RA/RA/CP.NO.~~

IN

RA.NO.

245/00 in O.A. 621/PC

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

~~MA~~ DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER / REJECTED.

NO ORDER AS TO COSTS

6 Copies

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