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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.828/99

DATE OF ORDER : 4-7-2000

Between :-

1. M.Satyam
2. P.V.Prasad

...Applicants

And

1. The Chief of Naval Staff,
Naval Headquarters, M/o Defence,
New Delhi.
2. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.
4. The Secretary,
M/o Defence, Govt. of India,
New Delhi.

(R-4 impleaded as per the court order
dt.17.2.2000 in MA 127/2000).

...Respondents

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Counsel for the Applicants : Shri S.Lakshma Reddy

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

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

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

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

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Heard Sri S.Lakshma Reddy, learned counsel for the applicant and Sri V.Rajeshwar Rao, learned standing counsel for the Respondents.

2. The applicant in this O.A. earlier filed OA 1181/94 which was disposed of on 28.7.1997 (Annexure A-V page-14 to the OA). In that O.A. he prayed for a declaration that the action of Respondent No.1 in issuing the impugned proceedings No.10417/R.D./PERS-6/257/D (R&D) dated 28.1.1986 and consequential letter issued by Respondent No.2 dated 17.3.1986 encadering 33 Group 'A' posts with Respondent No.3 and also subsequent encadering of additional posts of Group-A Scientific Officers borne in Indian Navy with the DRDO as totally illegal, without jurisdiction, ultravires of powers of Respondent No.1 and contrary to the statutory rules framed under S.R.O.27 dated 31.12.1979 and also S.R.O.8 dated 13.1.1979 and for a consequential direction to the respondents to fill up all the posts of Sr.S.O.Gr-I and Principal Scientific Officer as per the statutory rules framed under S.R.O.27 and for a further direction to promote the applicants to Sr.Scientific Officer Gr-I with all consequential benefits such as arrears of pay, seniority etc.,.

3. That O.A. was disposed of with the following direction :-

"8. The applicants should be considered for promotion against the vacant posts of Sr.SO Gr-I available as on date under the control of Naval Dockyard in accordance with the S.R.O.27 dated 31.12.79. If they are found eligible, they should be promoted within a period of four months from today.

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9. The learned counsel for the applicants submitted that they should be considered for promotion from the date of occurrence of vacancy of Sr. Scientific Officer Gr-I or atleast from the date the O.A. was filed as the applicants are waiting for promotion for a long time and the respondents have not taken any action in this connection so far. But this request cannot be considered at this juncture by this Bench as there are no material available both in the affidavit as well as in the reply to come to a definite conclusion. However, the applicants may submit a detailed representation for pre-poning of their promotions from an early date as requested by them as above and if such a request is received, the respondents should consider the same in accordance with law."

4. The applicant No.1 submitted his representation dt. 28.8.1997 (Annexure-VI page-19 to the OA) and second applicant submitted his representation on the same date enclosed at page-21 to the OA. Those two representations are still to be disposed of. In the meantime the applicant was promoted as Sr. Scientific Officer Gr.I with effect from 28.8.1998. The applicants submit that they have not been promoted with effect from the date of filing of the earlier OA i.e. OA 1181/94 or with effect from the date of occurrence of the vacancies. Hence this O.A. is filed to declare the action of the respondents in not considering and granting the promotion with effect from the dates they have become eligible for promotion after completion of 8 years of regular service against the vacant posts that were available in the respective panel year and granting promotion through the impugned order No. CP(G)/4027 dated 28.8.1998 with effect from the date of issue of the order is totally illegal and violative of articles 14 and 16 of the constitution of India and consequently direct the respondents to consider and promote the applicants herein with effect from the dates they have become eligible i.e. from 27.8.1992 in respect of the first applicant

and from 12.7.1994 in respect of the second applicant with all consequential benefits such as seniority, increments, pay fixation and arrears of pay etc.,

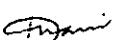
5. The directions issued in OA 1181/94 extracted above. As no reply is given to the applicants, it is not known whether the representations of the applicants disposed of as per the para-8 of the judgement in OA 1181/94 by the respondents. Learned counsel, for the applicant submits that the very fact that the applicants have not been given the promotion as Sr. Scientific Officer Gr.I with effect from the date of occurrence of the vacancies or with effect from the date of the filing of the earlier OA, he took it as rejected. The Respondents should clearly state as to why the applicants are/eligible for promotion with effect from the dates indicated above.

6. In that view we feel that the O.A. can be disposed of at this juncture to dispose of the representations referred to above indicating as to why their promotions as Sr. Scientific Officer with effect from the date of occurrence of the vacancies or from the date of filing of the earlier O.A. cannot be given to them. Respondents should reply them suitably with full details within two weeks from the date of receipt of a copy of this order.

7. O.A. ordered accordingly. No order as to costs.



(R. RANGARAJAN)
Member (A)



(D.H. NASIR)
Vice-Chairman

Dated: 4th July, 2000.
Dictated in Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO

1. HON. CHIEF JUSTICE
2. HON. MEMBER (ADMN.)
3. HON. MEMBER (JUD.)
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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 (JUD.)

DATE OF ORDER

4/7/2000

MR/RAT/CP, NO.

IN
C.I. NO. 828/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

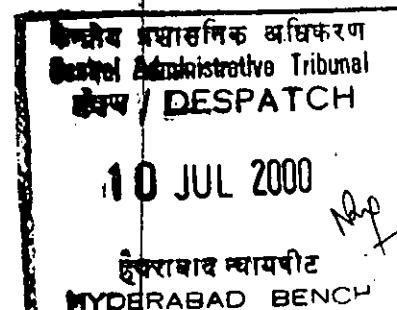
DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 716/2000 in OA 828/99

DATE OF ORDER : 4.9.2000

Between :-

1. The Chief of Naval Staff,
Naval Headquarters,
M/o Defence, New Delhi.
2. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.
4. The Secretary,
M/o Defence,
Govt. of India, New Delhi.

...Applicants/Respondents

And

1. M.Satyam
2. P.V.Prasad

...Respondents/Applicants

--- --- ---

Counsel for the Applicants : Shri V.Rajeshwar Rao, Addl.CGSC

Counsel for the Respondents : Shri S.Laxma Reddy

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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)).

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...2.

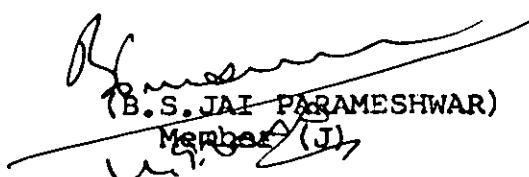
- 2 -

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

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Heard Sri V.Rajeshwar Rao, learned standing counsel for the applicants. ~~None~~ for the Respondents. The Respondents not present even when the matter came up for consideration on 31.8.2000.

2. In this M.A. the applicants requests for extention of time by six months. The judgement should be ~~complied~~ with on or before 31.10.2000. M.A. disposed of. No order as to costs.


(B.S.JAI PARAMESHWAR)
Member (J)


(R.RANGARAJAN)
Member (A)

Dated: 4th September, 2000.
Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

~~1ST AND 2ND COURT~~

COPY TO

1. HDHNJ
2. HRRN (ADMIN.) MEMBER
3. HBSJP (JUD. L.) MEMBER
4. D.R. (ADMIN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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

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

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUD. L.)

DATE OF ORDER

MA/R/EP. NO. 716/2000

IN

OA. NO. 828/99

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

8 (Eight copies)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 8 SEP 2000

हैदराबाद न्यायालय
HYDERABAD BENCH