

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

O.A.No.490/2018

Dated this Thursday the 19th day of July, 2018

**Coram: Hon'ble Shri R. Vijaykumar, Member (A).
Hon'ble Shri R. N. Singh, Member (J).**

1. Goa Naval Employees Union
Having its office at: 571,
Dongorim, Navelim-Salcete,
Goa-403707
Through its President,
Mr. Deepak Sawant,
Residing at: House No.414,
Hira Niwad Building,
Behind BSNL Tower, Mongor Hill,
Vasco Da Gama, Goa-403802.
2. Laxman M Harikant
Age: 46 years, CMD (OG),
I-card No.D-459820
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in c/o Canadida D'Cruz House,
Alto Bogmalo, Goa-403806.
3. Neer Rammevar Singh
Age: 32 years, CMD (OG),
I-card No.D-951647
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in QTR No.290/D DCRA,
Varunapuri-III, Mangoor Hill,
Vasco da gama, Goa.
4. Bharat Sawant,
Age: 31 years, CMD (OG),
I-card No.D-459704
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Flat No.1,
Barnosa House, Alto Dabolim,
Bogmalo, Goa.
5. Harkesh Kumar,
Age: 30 years, CMD (OG),
I-card No.D-460178
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Mr. J. Godeno Milton,
Nr. Savita Bar, Shantinagar,

Vasco da gama, goa.

6. Bhanan Nayak
Age: 29 years, CMD (OG),
I-card No.D-951649
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Nr NTS Gate,
Alto Dabolim, Bogmalo, Goa.
7. Nalli P. Rao
Age:29 years, CMD (OG),
I-card No.D-459951
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.NO.90,
Shantinagar near Vitthal
Rukmini Temple,
Vasco da gama, Goa.
8. Priteish Telekar
Age: 27 years, CMD (OG),
I-card No.D-459963
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.191/C1186/1,
Near Vitthal Rukmini Temple,
Vasco da gama, Goa.
9. Imran I Khan
Age: 31 years, CMD (OG),
I-card No.D-459952
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.44,
Housing Board Colony,
New Vaddem, Vasco da gama,
Goa.
10. Narayan U Naik
Age: 26 years, CMD (OG),
I-card No.D-459964
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in c/o Taveres,
H.No.123, All Seasons guest House,
Bagmalo, Vasco da gama,
Goa-403802.
11. Prashant N. Kadwadka
Age: 27 years, CMD (OG),
I-card No.D-459959
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,

Residing in Near Vitthal
Rukmini Temple, Shantinagar,
Vasco da Gama, Goa-403802.

12. Harish IK
Age: 30 years, CMD (OG),
I-card No.D-459953
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.471,
Near Vitthak Rukmini Temple,
Shantinagar,
Vasco da gama, Goa-403802.
13. Sushant M Naik
Age: 35 years, CMD (OG),
I-card No.D-460188
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Fonche Baht
Savaoi-Verem,
Ponda, Goa-403401.
14. Durgesh V. Manjrekar
Age: 30 years, CMD (OG),
I-card No.D-459960
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.471,
Shantinagar,
Vasco da gama, Goa.
15. Rakesh Kumar
Age: 29 years, CMD (OG),
I-card No.D-459820
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Sarita Bar Guest House,
Bogmalo, Goa.
16. Subhash Khangaonkar
Age: 43 years, CMD (OG),
I-card No.D-459967
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.43 Opp. Coast
Guard, Sai Nagar,
Vasco da gama, Goa.
17. Vinay N. Naik
Age: 30 years, CMD (OG),
I-card No.D-459949
Posted at: MT Pool INS Hansa,

Dabolim, Goa-403801,
Residing in H. No.471,
Shanti Nagar,
Vasco da gama, Goa.

18. Telu Ganesh
Age: 28 years, CMD (OG),
I-card No.D-459957
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Opp. Vitthal Temple New Vedden,
Vasco da Gama, Goa.
19. Sanoop Saleem
Age: 27 years, CMD (OG),
I-card No.D-459950
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Near Pai Hospital
Vaddem, Vasco da gama, Goa.
20. Vitthal R. Vhonamane
Age: 31 years, CMD (OG),
I-card No.D-459956
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in c/o Anwar Mandlik,
Alto Dabolim,
Vasco da Gama, Goa.
21. Vitthal R. Vhonamane
Age: 31 years, CMD (OG),
I-card No.D-459968
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in c/o Subhash,
New Veddem,
Vasco da Gama, Goa-403802.
22. Jose Joseph
Age: 28 years, CMD (OG),
I-card No.D-459955
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.453,
Shanti Nagar,
Vasco da gama, Goa.
23. Jitender
Age: 39 years, CMD (OG),
I-card No.D-459969
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.12,

New Vaddem,
Vasco da Gama, Goa.

24. Vishnu Kumar MS
Age: 28 years, CMD (OG),
I-card No.D-459997
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing Opp. Hanuman Temple,
New Vaddem,
Vasco da Gama, Goa.
25. Santosh M. Naik
Age: 28 years, CMD (OG),
I-card No.D-459998
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Uphas Nagar,
Housing Board Colony,
Sancoale, Goa.
26. Shijun Nk
Age: 27 years, CMD (OG),
I-card No.D-460004
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in near Pai Hospital,
Vaddem,
Vasco da Gama, Goa.
27. Vikas Koroth
Age: 29 years, CMD (OG),
I-card No.D-46003
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in H.No.287,
Near SMRC Hospital,
Rajnamundi School Road
Chicalim,
Vasco da gama, goa.
28. Badarul Muneer
Age: 27 years, CMD (OG),
I-card No.D-460005
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Shubhlaxmi Residency
Near Pai Hospital, New Vaddem,
Vasco da Gama, Goa.
29. Deepak Borkar
Age: 37 years, CMD (OG),
I-card No.D-460146
Posted at: MT Pool INS Hansa,

Dabolim, Goa-403801,
Residing in Takiwada, Borim,
Ponda, Goa.

30. Shankar M. Kamble
Age: 29 years, CMD (OG),
I-card No.D-460085
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in Bagmalo,
Dabolim Goa.
31. Premnath M Manjrekar
Age: 38 years, CMD (OG),
I-card No.D-460091
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing in C-Block
H.No.307, Dabolim,
Vasco da gama, Goa.
32. Yogesh Malvankar
Age: 31 years, CMD (OG),
I-card No.D-460069
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing at: H.No.803,
Near Last Bus Stop,
New Veddem,
Vasco da gama, Goa.
33. T K. Mote
Age: 34 years, CMD (OG),
I-card No.D-460130
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing at: near Varunapuri Gate
Mangoor hill,
Vasco da gama, Goa.
34. Harish H.
Age: 32 years, CMD (OG),
I-card No.D-460119
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing at: Near Water tank,
New Veddem,
Vasco da gama, Goa.
35. Manog VV
Age: 42 years, CMD (OG),
I-card No.D-460120
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing at: Near Last Bus Stop,

New Vaddem,
Vasco da gama, Goa.

36. Madiwala A Pawadi
Age: 32 years, CMD (OG),
I-card No.D-460124
Posted at: MT Pool INS Hansa,
Dabolim, Goa-403801,
Residing at: NTS Gate,
Bogmalo,
Vasco da gama, Goa.
37. Prasad Obaiah Golapalli
Age: 32 years, CMD (OG),
I-card No.D-460130
Posted at: MT Pool INS Gomantak,
Goa-4038022,
Residing at: QTR No.225-B,
Varunapuri-III,
DCRA Mangoor Hill,
Vasco da gama, Goa.
38. Dildar Jairam Kamble
Age: 36 years, CMD (OG),
I-card No.D-951360
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.35/1,
Near Last Bus Stop,
New Veddem,
Vasco da gama, Goa.
39. Lingraj Khattimani
Age: 37 years, CMD (OG),
I-card No.D-951359
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.R-H89(8-4),
Housing Board Colony,
Upas Nagar,
Sancole, Goa.
40. Shekhar Rama Korgaonkar
Age: 37 years, CMD (OG),
I-card No.D-951370
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.673/C,
Petecha Wada,
Korgao Pernem, Goa.
41. Hanuman P. Gujar
Age: 32 years, CMD (OG),
I-card No.D-951379

Posted at:2W DET
Residing at: Ganesh Temple,
Bogda,
Murmugao, Goa.

42. Vijay V Halankar
Age: 31 years, CMD (OG),
I-card No.D-951405
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.197/1,
Post Wada Honda,
Honda-Satara 403530.
43. Aman Kumar Rai
Age: 30 years, CMD (OG),
I-card No.D-951406
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.205,
Near Ganpati Temple,
New Veddem,
Vasco da gama, Goa.
44. Aman Kumar Rai
Age: 28 years, CMD (OG),
I-card No.D-951484
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: Flat No.G-5,
Coelho Apartment,
Maimolem,
Vasco da gama, Goa.
45. Ramesh Gaudappanvar
Age: 31 years, CMD (OG),
I-card No.D-951442
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: MT Pool INS,
Gomatak, Vasco da gama, Goa.
46. Ishwar Jangir
Age: 27 years, CMD (OG),
I-card No.D-951141
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: MT INS Gomantak,
Vasco da gama, Goa.
47. Shankar T Mane
Age: 29 years, CMD (OG),
I-card No.D-951514
Posted at: MT Pool INS Gomantak,

- Vasco da Gama, Goa-4038022,
Residing at: Flat No.302,
Dempo Odyssey,
CO-OP.Society,
Vasco da gama, Goa.
48. Santhosh Lanki
Age: 28 years, CMD (OG),
I-card No.D-951508
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.139,
Near Vitthal Rukmini Temple,
Shanti Nagar,
Vasco da gama, Goa.
49. Anil Kumar
Age: 29 years, CMD (OG),
I-card No.D-951513,
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.216,
VPO Rajpura, Dist.Jind,
Haryana 126102.
50. Nagendra Naik
Age: 27 years, CMD (OG),
I-card No.D-951443
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: MT Pool INS Gomantak,
Vasco da gama, Goa.
51. Naseeer CH
Age: 35 years, CMD (OG),
I-card No.D-951427
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.22,
Modin App. Mangoor Hill,
Vasco da gama, Goa.
52. Sonu
Age: 30 years, CMD (OG),
I-card No.D-951463
Posted at: 2W DET,
Near Ganesh Temple, Bagoda
Murmugao-403802.
53. Amit Shrikant Pagi
Age: 36 years, CMD (OG),
I-card No.D-951634
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: H.No.227,

Near Alto Damolim,
Goa.

54. Paresh Datta Kokankar
Age: 30 years, CMD (OG),
I-card No.D-959970
Posted at: MT Pool NAY(G)
Vasco da Gama, Goa-4038022,
Residing at:H.No.700,
Kond Rivon,Sangem,Goa.
55. Chetan Laxman Jalmi
Age: 32 years, CMD (OG),
I-card No.D-959823
Posted at: MT Pool NAY(G)
Vasco da Gama, Goa-4038022,
Residing at:H.No.129,
Nagarem Palolim,
Cancona, Goa.
56. Mahadev M Bangi
Age: 31 years, CMD (OG),
I-card No.D-959918
Posted at: MT Pool NAY(G)
Vasco da Gama, Goa-4038022,
Residing at:H.No.692,
Near Electricity Department,
Zauri Nagar, Sacole,Goa.
57. Dilip Singh Tanwar
Age: 28 years, CMD (OG),
I-card No.D-959923
Posted at: MT Pool NAY (G),
Vasco da Gama, Goa-4038022,
58. Sandeep D Nhavakar
Age: 29 years, CMD (OG),
I-card No.D-959922
Posted at: MT Pool NAY(G),
Vasco da Gama, Goa-4038022,
Residing at: MT Pool NAY(G)
Vasco da gama, Goa.
59. Sagar L Gawas
Age: 32 years, CMD (OG),
I-card No.D-951875
Posted at: MT Pool NAY(G)
Vasco da Gama, Goa-4038022,
Residing at:QRT NO.292/B,
Varunapuri-III,
Mangoor Hills, Vasco da gama, Goa.
60. Naga Ganesh Bandi
Age: 27 years, CMD (OG),

I-card No.D-951073
Posted at: MT Pool NAY(G)
Vasco da Gama, Goa-4038022,
Residing at: MT Pool NAY(G)
Vasco da gama, Goa.

61. Yellapa N Dandayi
Age: 35 years, CMD (OG),
I-card No.D-460099
Posted at: MT Pool NAY(G)
Vasco da Gama, Goa-4038022,
Residing at: Vasco da gama, Goa.
62. Neelkantappa Chippalkatti
Age: 28 years, CMD (OG),
I-card No.D-460072
Posted at: MT Pool NAY (G)
Vasco da Gama, Goa-4038022,
Residing at: MT Pool NAY(G),
Vasco da gama, Goa.
63. Udaya Shivmurthy
Age: 29 years, CMD (OG),
I-card No.D-714887
Posted at: MT Pool INS Gomantak,
Vasco da Gama, Goa-4038022,
Residing at: Vasco da gama, Goa.
64. Sineesh K P
Age: 30 years, CMD (OG),
I-card No.D-714889
Posted at: MT Pool INS Mandovi,
Vasco da Gama, Goa-4038022,
Residing at: QTR No.P 86/13,
INS Mandovi, Vasco da gama, Goa.
65. Sandeep Kumar
Age: 30 years, CMD (OG),
I-card No.D-754899
Posted at: NWC INS Mandovi,
Verem, North Goa-403109,
Residing at QTR No.5,
INS Mandovi,
Verem, Goa-403109.
66. Vijay Bagde
Age: 31 years, CMD (OG),
I-card No.D-714888
Posted at: NWC INS Mandovi,
Verem, North Goa-403109.
Residing at: c/o Pandurao Govenkar,
Duel Wada, chamundeshwari Petrol
Pump,
Verem, North, Goa.

67. Amol B Todkar
Age: 30 years, CMD (OG),
I-card No.D-714885
Posted at: NWC INS Mandovi,
Verem, North Goa-403109.
Residing at: QTR No.86/03,
INS Mandovi,
Verem, North, Goa.
68. Arjun SN Bhoje
Age: 31 years, CMD (OG),
I-card No.D-714898
Posted at: NWC INS Mandovi,
Verem, North Goa-403109.
Residing at: NWC INS Mandovi,
Verem, North, Goa.
69. Sunil V Naroji
Age: 28 years, CMD (OG),
I-card No.D-639570
Posted at: NWC INS Mandovi,
Verem, North Goa-403109.
Residing at: Pillar Malwar,
Aggasaem, Goa.
70. Praveen Waghmare
Age: 30 years, CMD (OG),
I-card No.D-403109
Posted at: NWC INS Mandovi,
Verem, North Goa-403109.
Residing at: NWC INS Mandovi,
Verem, North, Goa.
71. Mahadev R Kamble
Age: 32 years, CMD (OG),
I-card No.D-441816
Posted at: NWC INS Mandovi,
Verem, North Goa-403109.
Residing at: MT Section, NAD,
Chicalim, Goa.
72. Karam Veer
Age: 34 years, CMD (OG),
I-card No.D-441815
Posted at: NWC INS Mandovi,
Verem, North Goa-403109.
Residing at: QTR No.P.368,
Varunapuri-III,
DCRA Mangoor Hill
Vasco da Gama, Goa.
73. Sunil Kumar

Age: 31 years, CMD (OG),
I-card No.D-441844
Posted at: MT Section, NAD,
Chicalim, Goa-403109.
Residing at: MT Section, NAD,
Chicalim, Goa-403711.

74. S N. Byali
Age: 36 years, CMD (OG),
I-card No.D-951314
Posted at: NTRW, GOA-403802
Residing at:QTR NO.227/K,
Varnapuri-III,
Vasco da gama, Goa.

75. Shripad Tari
Age: 45 years, CMD (OG),
I-card No.D-951401
Posted at: NTRV Goa 403802
Residing at: H.No.4423,
Near Small Masjid Road,
Nandangadda, Karwar-581304.

76. Nashir B Pattan
Age: 31 years, CMD (OG),
I-card No.D-462124
Posted at: INHS Jeevanthi,
Vasco da gama, Goa
Residing at: QTR No.372/E,
Varunpuri-III,
DCRA Mangoor Hill,
Vasco da gama, Goa.

77. Bharat Dagadu Mane,
Age: 31 years, CMD (OG),
I-card No.D-094966
Posted at: INHS Jeevanthi,
Vasco da gama, Goa-403109.
Residing at:QTR No.368/F,
Varunpuri-III,
DCRA Mangoor Hill,
Vasco da Gama, Goa.

78. Choturam Gusai
Age: 28 years, CMD (OG),
I-card No.C-951447
Posted at: NIH, Goa,
Residing at INS Gomantak,
Vasco da gama, Goa.

79. Mahesh Singiseti
Age: 30 years, CMD (OG),
I-card No.D-459919
Posted at: NAY(G),
Vasco da Gama, Goa-403109.

80. Vinod P Pendnekar
 Age-31 years, CMD (OG)
 I-Card No.C-714897,
 Posted At: MT Pool,
 INS Mandovi,
 Verem, North Goa-403109.

...Applicants.

(By Advocate Shri L. C. Kranti).

Versus

1. Union of India
 Through the Secretary,
 Ministry of Defence,
 South Block,
 New Delhi-110011.
2. The Principal Director
 Directorate of Civilian Personnel
 Integrated Headquarters,
 Ministry of Defence (Navy),
 Talkatora Stadium, Annexe Building,
 New Delhi-11 0001.
3. The Principal Director,
 Directorate of Civilian Manpower
 Planning & Recruitment,
 Integrated Headquarters,
 Ministry of Defence (Navy),
 Talkatora Stadium, Annexe Building,
 New Delhi-11 0001.
4. Flag Officer Commanding
 (for CSO (LA&P))
 Headquarters Goa Naval Area
 Vasco-da-gama,
 Goa-403 302.
5. The Flag Officer Commanding-in-Chief
 (for CCPO), Headquarters Naval
 Command Ballard Pier,
 Near Tiger Gate,
 Naval Dockyard Mumbai, Mumbai,
 Maharashtra-400 001.

... Respondents.

O R D E R (O R A L)

Per : R. Vijaykumar, Member (Administrative)

When the case is called out, heard Shri Sangram Chinnappa learned counsel representing the applicant.

The applicant has challenged the impugned advertisement dated 23.06.2018 for filling posts of Civilian Motor Driver Grade II (CMD II) and as a composite part, seeks to challenge the provisions of SRO No.62/2014 dated 24.09.2014 for the post of CMD II which requires eight years experience for employees in grade of Civilian Motor Driver Ordinary Grade (CMD-OG). They aver that there is an anomaly in the provisions of SRO 62 dated 24.09.2014 because for direct recruitment, the requirement is only for two years experience. When inquired as to why applicants cannot apply for the direct vacancies, they state that they are overaged.

It is noticed from the RR that the age relaxation requirement provided for Government service for Civilian Motor Driver Grade II (OG) is 18 to 25 years and it is relaxable for Government servants upto 40 to 45 years of age which has to be seen in relation to the similar age requirement for CMD-OG. Further, MTS (Motor Transport) can be promoted to CMD-OG with one year driving experience and three years service in the feeder grade while CMD-OG can be promoted as CMD-II with two years driving experience and eight years service in the feeder grade.

During the hearing, the learned counsel mentioned that these persons were serving as Civil Motor Driver Grade II (OG) by promotion from lower

ranks and hence are beyond the relaxed age limit for Government employees. The Applicants' Union is stated to have filed representation with respondents to revise the RRs to suit their circumstances and counsel asserts that it is under consideration of the department.

We have perused the case record and heard the counsel on the status of the Recruitment Rules and the position of the representation. The framing of rules falls squarely within the policy domain of the respondents and the RRs have been framed under Article 309 of the Constitution of India.

This Tribunal does not have the jurisdiction to amend the rules and leaves it to the Respondents to decide on the merits of the matter given that the materials provided by the applicant have failed to give any substantive basis for intervention.

In these circumstances, this application is dismissed at the admission stage without any order as to costs.

(R. N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

vyc/-