

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00362/2017

DATED THIS THE 23RD DAY OF OCTOBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

1. Roopak Kumar Naik,
S/o Ravikant T. Naik,
Aged about 30 years,
Working as Store Keeper,
Naval Store Organization
Material Organization
Naval Base,
Karwar – 581 308
Residing at
Post: Amadalli,
B. Ramdevwada, Amdalli,
Karwar – 581 324

2. Raghavendra S. Alagerikar,
S/o Someshwara D. Alagerikar,
Aged about 36 years,
Working as Store Keeper,
Naval Store Organization
Material Organization
Naval Base,
Karwar – 581 308
Residing at
Kolagi Beesh
Post: Mattigar – 581 450
Sirsi Taluk

.....Applicants

(By Advocate Shri P. Kamalesan)

Vs.

1. The Secretary,
Ministry of Defence (Navy),
Integrated Head Quarters,
Directorate of Civilian Personnel,
Sena Bhavan,
New Delhi – 110 001

2. The Flag Officer,
Commanding in Chief (for CC PO)
HQ, Western Naval Command,
Ballard Tear, Navy Tiger Gate,
Naval Dock Yard,
Mumbai – 400 001

3. The Flag Officer,
Commanding,
Karnataka Naval Area for SO (CIV)
Head Quarters, Naval Base,
Karwar – 581 308

4. The Material Supt. For (PAO)
Material Organization,
Naval Base,
Karwar – 581 308

5. Naveen Kumar,
Working as Superintendent-Store,
C/o Commanding in chief (for CCPO)
HQ Eastern Naval Command,
Vishakapatnam

6. Gunder Singh,
Working as Superintendent Store,
C/o Commanding in chief (for CAPO),
HQ, Andaman & Nicobar Islands,
Port Blair

7. Anant Gourang Das,
Working as Superintendent Stores,
C/o Flag Officer Commanding in chief,
HQ, Western Naval Command,
Mumbai.

8. Y. Sudarshan,
Working as Superintendent stores,
C/o Flag Officer Commanding in Chief,
(for CCPO) HQ Naval base,
Karwar – 581 301

....Respondents

(By Shri V.N. Holla, Senior Panel Counsel for Respondent No. 1 to 4)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The matter is in a very small compass. The respondents rely on Annexure-R2 which in para No. 2.1 depicts the methodology of assessing seniority of direct recruits and promotees. It says that “the relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the UPSC or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection.”

2. Here it appears that persons in Annexure-A1 and Annexure-A3 may be in the same select list but Annexure-A1 was issued some months earlier as apparently these people have reported for duty on an earlier date and others in Annexure-A3 have reported for duty on a much later date. Therefore Annexure-R2 will not have any application for them. It is upon them to choose their time of joining duty. If they have chosen to join duty on a later date than is prescribed under the rules, then the prejudice of it must be always with them. It cannot be otherwise. Therefore we will uphold Annexure-A1 and Annexure-A3 and declare that persons in Annexure-A1 will have seniority over persons in Annexure-A3 which is later in date. Therefore respondents are directed to re-assess the seniority giving senior-most position to the persons in Annexure-A1 in the credence given in that list and thereafter the Annexure-A3 persons should be given seniority. It may be done within two months and benefits to be extended within two months thereafter.

3. At this point of time Shri V.N. Holla, learned counsel for the official respondents, makes a submission that they have followed the 1986 O.M. True, they can follow the O.M. when people are in pari materia situation. The wordings of Annexure-A1 and Annexure-A3 will indicate that persons in Annexure-A1 had reported for duty which we had queried Shri V.N. Holla who admits that these people may have reported for duty earlier. Therefore if persons in Annexure-A3 had reported for duty much later and therefore could be accommodated only later the prejudice of this will also rest on their shoulders and it cannot be passed on to the shoulders of persons in Annexure-A1 list. This is made clear. Therefore there is no question of applicability of Annexure-R2 as Annexure-A1 and Annexure-A3 lists are separate and distinct in every form.

4. The OA is therefore allowed. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00362/2017

Annexure A-1: Copy of the letter dated 19.12.2006

Annexure A-2: Copy of the draft seniority list for Supt. (Stores) letter dated 14.05.2015

Annexure A-3: Copy of the letter dated 25.04.2007

Annexure A-4: Copy of the letter dated 28.05.2015

Annexure A-5: Copy of the seniority list published in respect of Supt. (Stores) dated 29.06.2016

Annexure A-6: Copy of the representation dated 30.05.2016

Annexure A-7: Copy of the letter dated 06.12.2016

Annexure A-8: Copy of the representation dated 10.02.2017

Annexure A-9: Copy of the letter dated 14.02.2017

Annexure A-10: Copy of the details of officials who were shown seniors to the applicants in the gradation list

Annexure A-11: Copy of the OM dated 03.03.2008 and 03.04.2012

Annexures with reply statement

Annexure R-1: Copy of the recruitment notification by Western Naval Command, Mumbai

Annexure R-2: Copy of the extract of swamy's news on seniority and promotion

Annexure R-3: Copy of the letter dated 09.09.2015
