

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/01002/2015

Thursday, this the 7th day of February, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

1. Antony Anil Cleetus, S/o. M.L. Cleetus, aged 38 years,
Pest Control Worker, SHO (K), Naval Base, Kochi – 682 004,
residing at H. No. 11/582, Meekenzie Garden,
Pattalam, Kochi – 682 001.
2. Francis Xavier C.B., S/o. C.J. Barrid, aged 34 years,
Pest Control Worker, SHO (K), Naval Base, Kochi – 682 004,
residing at Chakkalakal House, Chullickal,
Kochi – 682 002. **Applicants**

**(By Advocates : Mr. V.V. Asokan, Sr.
Mr. Jaikrishna R.)**

V e r s u s

1. Union of India, represented by Secretary to Government,
Ministry of Defence, New Delhi – 110 001.
2. Flag Officer, Commanding in Chief, Southern Naval Command,
Naval Base, Kochi – 682 004.
3. Chief Staff Officer, Southern Naval Command,
Naval Base, Kochi – 682 004. **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

This application having been heard on 01.02.2019 the Tribunal on 07.02.2019 delivered the following:

O R D E R

Hon'ble Mr. Ashish Kalia, Judicial Member –

The relief claimed by the applicants are as under:

“i. Call for the records of the case leading to Annexure A2, A6 and A10 and quash the same;

ii. To direct the respondents to consider the applicants for appointment by absorption as unskilled Labourers as per Annexure A1 Recruitment Rules before proceeding to induct fresh hands in pursuance to Annexure A2 notification Annexure A10 memorandum;

iii. Grant such other reliefs as may be prayed for and the court may deem fit to grant, and

iv. Grant the costs of this Original Application.”

2. The brief facts of the case are that the applicants are aggrieved by the move of the 2nd respondent to fill up the vacancies in the cadre of unskilled labourers which arose prior to 9.7.2012 by direct recruitment against the direction of this Hon'ble High Court in OP (CAT) No. 37 of 2014 and connected cases dated 8.7.2014 by excluding the applicants on the ground that they were appointed prior to 1.1.2007 and are not entitled to absorption to the post of unskilled labourers. The applicants submit that the vacancies which arose prior to the promulgation of Ministry of Defence (Navy) Group-C Industrial Posts (Tradesman) Recruitment Rules, 2012 are to be filled up from among Group-D staff who have minimum service of five years or who have the educational and other qualification prescribed under column No. 8 of the Navy Group C and D Industrial posts (Tradesman & Labourers) Recruitment Rules, 2000. The applicants are employees under the respondents including those in the category of Group-D. They are affected by the impugned action as they are qualified to be absorbed under Recruitment Rules of 2000. The recruitment to the post of Unskilled Labourer under the respondents are governed by the Navy Group C and D Industrial Posts (Tradesman and Labourers) Recruitment Rules, 2000. As

per Annexure A1 rules the posts of Unskilled Labourer is to be filled by absorption from among Group D employees of the Navy. The only prerequisite is that they must have either 5 years regular service in the pay scale of Rs. 2,550-3,200/- or must be persons possessing qualification and experience laid down in column 8 for direct recruitment. The applicants satisfy the above condition and consequently eligible for absorption in terms of Annexure A1 rules. The qualification for direct recruitment is a pass in 8th standard from a recognized Board/Institution. The applicants are having the educational qualification prescribed. The applicants submit that direct recruitment can be resorted to if appointment by absorption fails. Despite availability of vacancies in the cadre of unskilled labourer, no appointments were made by absorption. Without resorting to absorption the respondents notified 167 vacancies of unskilled labourers for direct recruitment. Later the Ministry of Defence (Navy) Group C Industrial Posts (Tradesmen) Recruitment Rules, 2012 (hereinafter referred to as the 2012 Rules) was promulgated by publication in the Gazette on 9.6.2012. According to the 2012 Rules the cadre of unskilled labourer and certain other categories are re-designated as Multi Tasking Staff (Industrial). The further promotions to the category of Tradesman (Skilled) are available only to MTS (Industrial). The applicants submit that the unskilled labourers notified vide Annexure A2 and Annexure A6 are liable to be filled up as per Annexure A1 Recruitment Rules. Aggrieved by the direct recruitment process several other employees other than the applicants approached this Tribunal in OAs Nos. 1179/12, 166/13 and 1176/13. This Tribunal dismissed the above OAs. However, the applicants therein approached the Hon'ble High Court in OP

(CAT) No. 37 of 2014 along with connected cases. The Hon'ble High Court disposed of the OP (CAT) after setting aside Annexures A3 and A7 therein. However, the benefits were not granted to the applicants herein as they were not parties to the earlier proceedings. Aggrieved the applicants along with several others filed OA No. 180/725/2015 and 180/732/2015. The said OAs were disposed of directing the respondents to consider the claim of the applicants in the light of Annexure A1 Recruitment Rules produced therein and OP (CAT) No. 37 of 2014. However, as per Annexure A10 memorandum the applicants were excluded from the list alleging that they were appointed before 1.1.2007 and they got opportunity for absorption as unskilled labourers (now Tradesman Mate). The action of the respondents is totally misplaced and arbitrary. Aggrieved the applicants have filed the present OA.

3. Notices were issued to the respondents. They entered appearance through Shri N. Anilkumar, SCGSC who contended that the criteria for appointment to MTS (Industrial) has been revised whereby there is provision only for direct recruitment and minimum educational qualification has been prescribed as 10th pass. The respondents have complied with the judgment of the Hon'ble High Court passed in OP (CAT) No. 37 of 2014 and connected matters whereby approx 149 employees were absorbed in the post of MTS in the available limited vacancies during 2015/2016. The respondents submitted that though the applicants were eligible as per Annexure R1 notification issued during February, 2012, they preferred not to apply for absorption at that time. The 1st applicant have already been

promoted as Lower Division Clerk against 5% quota during 2016.

Respondents pray for dismissing the OA.

4. Heard the learned counsel for the applicant and the learned counsel appearing for the respondents. Perused the records.

5. The Hon'ble High Court in OP (CAT) No. 37 of 2014 passed the following judgment on 8.7.2014:

“8. The following issues arise for consideration in these original petitions:

What is the correct interpretation to be placed on Annexure A2 Recruitment Rules and what are the categories of persons who comprise the feeder category to the post of Unskilled Labourers under the said Rules?

Whether the petitioners are persons who ought to have been considered for the post, especially to the vacancies that arose in the said post prior to 09.06.2012?

What, if any, was the effect of their not challenging Annexure R1 memorandum vis-a-vis the rights of the petitioners to claim consideration of their candidature for the post of Unskilled Labourer?

What was the effect of re-designation of Group D posts as Group C on the claims of the petitioners for absorption in accordance with Annexure A2 Rules?

Would the conduct of some among the petitioners, of having unsuccessfully participated in the selection procedure pursuant to Ext. P1 notification, affect the petitioners' claim for absorption in terms of Annexure A2 Rules?

Issues (1) and (2):

We shall first consider the interpretation to be placed on the Rule itself. It is clear from a reading of the Rule that the categories of persons from among whom absorption to the post of unskilled labourer could be considered are as follows:

Group D Employees of the Navy or persons serving in analogous, equivalent or higher grades in the lower formations of the Defence Services with at least 5 (five) years regular service in the pay scale of Rs. 2550-55-2660-60-3200 OR Persons possessing the qualification and experience as laid down in Column 8 for direct

recruitment.

(The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not exceed 03 (three) years)

9. The petitioners would contend that the Rule takes in three categories of persons viz.

Group D employees of the Navy with at least five years regular service in the pay scale of Rs.2550-55-2660-60- 3200;

Persons serving in analogous, equivalent or higher grades in the lower formations of the Defence Services with at least five years regular service in the pay scale of Rs.2550-55-2660-60-3200; and

Persons possessing the qualification and experience as laid down in Column 8 for direct recruitment viz. A pass in the 8th standard from a recognised Board/Institution.

10. It is the further contention of the petitioners that there were two avenues of promotion, by absorption, available to Group D employees of the Navy depending upon whether or not they possessed the qualification of a pass in 8th standard from a recognised Board/Institution – the qualification laid down for direct recruitment. The purport of the Rule, according to them, was to offer a chance of absorption to even those Group D employees who did not have five years regular service in the prescribed pay scale, but who nevertheless possessed the qualification that had to be possessed by a person seeking absorption through direct recruitment to the post in question. An alternate submission was put forth by Adv. Sri. Govindaswamy, on behalf of some of the petitioners, that the Rule could also be interpreted as limiting the qualification, of possession of five years regular service in the prescribed pay scale, to only the second category of persons viz. “Persons serving in analogous, equivalent or higher grades in the lower formations of the Defence Services” and that Group D employees of the Navy, on account of their mere classification as such, could be considered for absorption without any further requirement as regards experience or qualification.

11. Per Contra, the respondents would argue that the Rule had been consistently interpreted as allowing a consideration of only those Group D employees of the Navy who had at least five years regular service in the pay scale of Rs.2550-55-2660-60-3200. It is pointed out that the third category viz. “Persons possessing the qualification and experience as laid down in Column 8 for direct recruitment viz. A pass in the 8th standard from a recognised Board/Institution” would not take within its fold Group D employees of the Navy, even if they possessed the qualifications applicable for direct recruitment, because they were treated as a separate category for the purposes of the Rule. It is also pointed out that the qualification of 8 th standard pass is a requirement across the board and in relation to all similar posts in Annexure A2 Rules and hence there cannot be a classification of Group D employees on the basis of the said qualification. To a pointed question as to who would be covered under the third category, it is contended that the said category would comprise only of persons appointed by deputation. Reliance is placed on the bracketed portion of the Rules to contend that the mention therein, of the maximum

permissible period of deputation, was sufficient indication that the third category applied to those seeking appointment by way of deputation.

12. On a consideration of the rival submissions, we are of the view that there is considerable merit in the first view advanced on behalf of the petitioners namely that the Rule takes in three categories of persons and that there were two avenues of promotion, by absorption, available to Group D employees of the Navy depending upon whether or not they possessed the qualification of a pass in 8th standard from a recognised Board/Institution, the qualification laid down for direct recruitment. This view appeals to us as rational more so because we notice that, as a matter of fact, the category of Group D employees of the Navy comprises of both, persons who have the qualification of a pass in 8th standard and those who do not have those qualifications. It is apparent, therefore, that the Rule makers thought it fit to permit such of those Group D employees of the Navy, who possessed the qualification of pass in 8th Standard, to apply for absorption along with their less qualified colleagues who had to have the minimum required experience of 5 years in the prescribed pay scale in the absence of a qualification of pass in 8th standard. In other words, the tenor of the Rule seems to be to consider 5 years experience in the prescribed pay scale as equivalent to a qualification of pass in 8th standard, so far as Group D employees of the Navy are concerned. No doubt the same rationale would also apply to the second category of persons viz. Persons serving in analogous, equivalent or higher grades in the lower formations of the Defence Services with at least five years regular service in the prescribed pay scale, but we are not concerned with such persons in the cases before us. We also notice that while it was urged on behalf of the respondent that the qualification of a pass in 8th standard was one that was prescribed across the board for similar posts in Annexure A2 Rules, as rightly pointed out by counsel for the petitioners, the said prescription is only as a desirable qualification in those posts. We must hasten to add, however, that we are not impressed with the alternate view advanced by Adv.Sri.Govindaswamy that the qualification, of possession of five years regular service in the prescribed pay scale, would apply to only the second category of persons viz. "Persons serving in analogous, equivalent or higher grades in the lower formations of the Defence Services" and that Group D employees of the Navy, on account of their mere classification as such, could be considered for absorption without any further requirement as regards experience or qualification. For the reasons we have stated above, such an interpretation of the Rule would frustrate the object of the Rule and would further result in treating persons possessing the qualification of pass in 8th standard and those without such qualifications as equals for the purposes of the Rule. This would result in patent arbitrariness for one would then be treating unequals as equals for the purposes of the Rule. Such an interpretation has necessarily to be eschewed.

13. The issue that must next engage our attention is the meaning to be ascribed to the bracketed portion of the Rules dealing with the maximum permissible period of deputation. In this connection, we must note that, unlike in the case of other posts in Annexure A2 Rules, where deputation is expressly provided as a method of recruitment in addition to other methods of recruitment, the Rule in the instant case provides for absorption as the sole method of recruitment. It is therefore apparent that deputation was not intended as a method of recruitment to the post of Unskilled Labourer. Recruitment Rules are but manifestations of recruitment policies and we have to gauge the intention of the Rule maker from the express

provisions in the Rules. In that process, we have to necessarily refrain from reading into the Rules something that is not expressed therein. The bracketed portion of the Rules must therefore be treated as qualifying the deputation, if any, undergone by a candidate seeking appointment to the post of Unskilled Labourer through absorption. This is the only meaningful way in which we can read the Rule.

14. If the Rule is interpreted in the manner we have indicated, then it follows that the petitioners, who were Group D employees of the Navy and who possessed the qualification of a pass in the 8th standard, stood included in the feeder category of persons eligible for absorption. They had a right to be considered for absorption to the post of unskilled labourer as per Annexure A2 Rules. Non-consideration of their candidature for absorption in terms of the said Rules was therefore wholly unjustified. There is no merit in the contention of the official respondents that if such a view is accepted then anyone who has worked for even a year or less can get absorbed by reason of mere possession of the requisite qualification. We are of the view that the purport of the Rule is to allow absorption either based on five years experience or possession of educational qualification and only in the absence of in-service candidates possessing either, can there be a resort to direct recruitment.

Issue 4:

Having found that the petitioners were eligible to be considered for promotion, by absorption, in terms of Annexure A2 Rules, to the post of Unskilled Labourers, we must now deal with the contention on behalf of the Naval establishment that the petitioners had, pursuant to an upgradation of posts in the year 2006, ceased to be Group D employees and had since become Group C employees. The argument advanced on behalf of the establishment is that insofar as the petitioners had ceased to be Group D employees after 2006, they could not be considered for appointment to the post of Unskilled Labourers in terms of Annexure A2 Rules as the said Rules included within the feeder category only Group D employees of the Navy. Although, at first blush, the argument appears to be attractive, we find that it cannot be accepted. No doubt, the upgradation effected in 2006 resulted in a change in the classification of the posts from Group D to Group C. A perusal of the upgradation order dated 30.04.2010 makes it clear that it was not a mere financial upgradation or an upgradation in pay bands, as contended by the petitioners, for the order clearly states that pursuant to the upgradation, there was to be no further recruitment to Group D posts. This is sufficient indication of the fact that the upgradation effectively resulted in a change in the very classification of the post. It is also not in dispute that classification of posts is itself based on pay scales and the pay scales in this case were upgraded. It is also seen from a perusal of the upgradation order that for persons who could not be immediately upgraded, a training was envisaged, so as to render them suitable for the upgraded post. The order also envisaged the framing of new recruitment rules for Group C posts considering the change in classification. These factors, taken together, leave us with no doubt that the upgradation of posts resulted in a change in the classification of the post from Group D to Group C. The question, however, is whether this would affect the claim of the petitioners for promotion to the post of Unskilled Labourer. The answer is to be found in the conduct of the Naval establishment, which had to fill vacancies by resort to an un-amended recruitment rule. We note that although the upgradation took effect from 2006, the amended recruitment rules were promulgated only in 2012. In the

interregnum, the Naval establishment was constrained to fill vacancies to the post of Unskilled Labourers owing to the shortage in work force that was felt by them. This they did, through Annexure R1 memorandum, by resort to Annexure A2 Rules and by ignoring the classification change of Group D employees. Their action was prompted by necessity and in a situation where they had to effect recruitments using a Rule that was not otherwise workable. This is clear from the averments in paragraph 3 of the counter affidavit filed on behalf of the Naval establishment on 17.06.2014 in OP (CAT) 37/2014, which reads as follows:

“At the outset it is humbly submitted that on implementation of 6th CPC recommendations, all group D posts of Navy have been redesignated and upgraded to Group C with effect from 01.01.2006 with revised pay scale in Pay Band I with Grade Pay of 1800 as evident from annexure A-5 and the post of USL has been redesignated as MTS (Industrial) and now Tradesman O.P. (CAT)NOS. 37, 47, 53 & 56/2014 26 Mate (TDM). Now all the petitioners are working as MTS in Group 'C' post. Accordingly Recruitment Rules (hereinafter referred to as RR) have also been revised. Resultantly, A-2 Recruitment Rules have been replaced by A-4 (SRO 43 dated 18 May 12) Recruitment Rules. However, necessary action had already been initiated by the respondents on 16 February 2012 vide Office Memorandum CS 2702 dated 16 February 2012 (Annexure R-1) for absorption of the entitled Personnel against the vacancy of USL in accordance with prrevised RR. Accordingly 56 individuals were absorbed and actions were taken to fill up the remaining 235 vacancies by Direct Recruitment (hereinafter referred as DR) considering the acute shortage of manpower in the Naval units which seriously affected the operations of the organisation. It is pertinent to mention that the respondents were bound to act as per annexure A-2 as A-4 was received only after publication of notification for DR.”

Having chosen to interpret the Rule in a manner that rendered it workable in respect of vacancies that arose prior to the promulgation of Annexure A4 Rules, they could not deny the petitioners, who were no different than those who were appointed pursuant to Annexure R1 memorandum, the same treatment by adopting a technical stand in the matter. What's sauce for the goose is also sauce for the gander. Had the Naval establishment interpreted Annexure A2 rules correctly, and in the manner we have indicated, there would have been no occasion to exclude the petitioners from a consideration to the vacancies that were sought to be filled through issuance of Annexure R1 memorandum. We are, therefore, of the view that the establishment cannot rely on the classification change brought about in 2006 to deny the rightful claim of the petitioners for consideration to the post of Unskilled Labourer in terms of Annexure A2 Rules.

Issue 3:

We must now address the argument of the respondents that the petitioners were estopped from challenging the direct recruitment notification as they chose not to challenge their exclusion in Annexure R1 memorandum. The contention appears to be premised on the principles of estoppel and waiver and the issue to be examined is whether the petitioners had, through their conduct, waived their right to be considered for the post of unskilled labourer. As we have already noted, the Naval establishment was of the bonafide belief that Annexure A2 Rules did not envisage the inclusion of a

Group D employee of the Navy, without five years regular service in the prescribed pay scale, in the feeder category to the post of Unskilled Labourer. Although we have found that the said interpretation of the Rule was flawed, the fact remains that Annexure R1 memorandum called for applications only from those persons whom the Naval establishment considered as qualified. This, quite evidently, did not include either persons such as the petitioners herein or even those falling in the second limb of the first part of Annexure A2 Rule. It was a situation where all players were labouring under a mistake as to the true scope and ambit of the Rules. Past recruitments had also been conducted in the same manner. The contention, with regard to their right to be considered in terms of Annexure A2 rules, was urged by the petitioners for the first time only when the Naval establishment proposed to fill the remaining vacancies, in the post of Unskilled Labourer, through direct recruitment. It is no doubt true that in the O.A. there is no mention of Annexure R1 leave alone a challenge to the same. Further in the rejoinder it is *inter alia* contended that calling for volunteers with five years experience is against the rules.

15. It is in the light of the above facts that we have to decide the issue as to whether the conduct of the petitioner, in not challenging their exclusion in Annexure R1 memorandum, would be fatal to their claim for consideration to the post. The principle of estoppel has its origins in Equity and the willingness of Courts to prevent an injustice that could arise from an unconscionable conduct of the party estopped. Similarly, for the principle of waiver to apply, it must be demonstrated that a person well aware of his rights, had through his unambiguous conduct and mindful of the consequences thereof, relinquished the same. When viewed in the factual backdrop of the instant case, where an all-pervasive air of ambiguity prevailed in the matter of interpretation of Annexure A2 Rules, we find ourselves unable to infer either an estoppel or a waiver from the conduct of the petitioners. More importantly it is also significant to note that the petitioners do not seek to impugn the selection done pursuant to Annexure R1 memorandum or claim any seniority over the persons so selected. That apart, as noted earlier, this is a case where all the persons covered by the first part of the Rule were not invited to apply. The claim of the petitioners is restricted to an inclusion, in the feeder category to the post, in respect of vacancies that had to be filled through an application of Annexure A2 Rules. There would, therefore, be no prejudice caused to those appointed pursuant to Annexure R1 memorandum if the petitioners are also considered for absorption to the post in question. As far as the Naval establishment is concerned, they cannot complain of any prejudice if all that is contemplated is a proper recruitment in accordance with the Rules.

Issue 5:

We now turn to the contention of the respondents that some of the members of the petitioner Union had participated in the selection procedure notified through the Direct Recruitment notification and had emerged unsuccessful. The said persons, it is urged, cannot now turn around and challenge the process of direct recruitment. No doubt the said persons would contend that this is not a case where, having applied under a notification and failed, they were attempting to impugn the selection procedure itself. Rather, they would point out that the selection by direct recruitment had been impugned well prior to their participation in it. They contend, therefore, that although no formal protest was lodged by them, while opting for direct recruitment, the institution of the OA had to be

deemed as the protest. We are not impressed with this contention. We are of the view that those members of the petitioner Union who chose to abandon their claim for absorption as unskilled labourer, by choosing to participate in the selection process envisaged for direct recruitment under Ext.P1 notification, cannot now insist on a re-consideration of their claim for absorption. Their overt act of choosing an alternate route of recruitment to the post virtually rendered their action inconsistent with their original stand thereby depriving them of any benefit that could stem from the exercise of a discretionary jurisdiction. We are of the view, therefore, that such persons forfeited their right to claim absorption as per Annexure A2 Rules. In this view of the matter, therefore, we are not impressed with the aforementioned contention of the respondents and we reject the same.

In the result, these original petitions have to succeed. We allow the same by holding as follows:

Annexure A2 Rules, in their application to the post of Unskilled Labourer, must be seen as including within the ambit of the feeder category, three categories of persons namely, (i) Group D employees of the Navy with at least five years regular service in the pay scale of Rs.2550-55- 2660-60-3200, (ii) Persons serving in analogous, equivalent or higher grades in the lower formations of the Defence Services with at least five years regular service in the pay scale of Rs.2550-55-2660-60-3200; and (iii) Persons possessing the qualification and experience as laid down in Column 8 for direct recruitment viz. A pass in the 8th standard from a recognised Board/Institution.

In its application to Group D employees of the Navy seeking absorption to the post of Unskilled Labourer, Annexure A2 Rules must be seen as conferring two avenues of promotion, by absorption, to such employees depending upon whether or not they possess the qualification of a pass in 8th standard from a recognised Board/Institution, the qualification laid down for direct recruitment.

The Naval establishment cannot rely on the classification change, brought about in 2006 in respect of Group D employees, to deny the rightful claim of the petitioners for consideration to the post of Unskilled Labourer in terms of Annexure A2 Rules.

The mere fact that the petitioners had not challenged Annexure R1 memorandum cannot be a reason to non suit them in a legitimate pursuit of their rights or to deny them the benefit of the Rules.

In the case of those members of the petitioner Union who chose to abandon their claim for absorption as unskilled labourer, by choosing to participate in the selection process envisaged for direct recruitment under Ext.P1 notification and failed in the same, they cannot resurrect their claim for absorption as per Annexure A2 Rules. The said persons, we feel, have forfeited their right to claim absorption as per Annexure A2 Rules.

We set aside the impugned order of the Central Administrative Tribunal and allow the OA by quashing Annexures A3 and A7 to the extent they contemplate the filling up of vacancies that arose prior to 9.6.2012 in the category of unskilled labourers by resort to direct recruitment. We further direct the Naval establishment to

consider the candidature of those among the petitioners who stand qualified as per this judgment to the said vacancies.

We make it clear that after providing for such of the petitioners as indicated above, the Naval establishment will be free to fill up the remaining vacancies by way of direct recruitment pursuant to Annexures A3 and A7 notifications.”

We find that the above judgment passed by the Hon'ble High Court of Kerala in OP (CAT) No. 37 of 2014 squarely applies to the present case as well. Therefore, nothing remains to be decided in the present case.

6. Accordingly, the Original Application is allowed. We quash the impugned orders at Annexures A2 and A6 to the extent they contemplate the filling up of vacancies that arose prior to 9.6.2012 in the category of unskilled labourers by resorting to direct recruitment. We further direct the respondents to consider the candidature of the applicants who stand qualified as per this order to the said vacancies. We make it clear that after considering the applicants on such vacancies if there still remains vacancies the respondents would be free to fill up those vacancies by way of direct recruitment pursuant to Annexures A2 and A6 notifications. The aforesaid exercise shall be completed within three months from the date of receipt of a copy of this order. Parties are directed to bear their own costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

“SA”

Original Application No. 180/01002/2015

APPLICANTS' ANNEXURES

Annexure A1 - True copy of Navy Group C and D Industrial Posts (Tradesman and Labourers) Recruitment Rules, 2000.

Annexure A2 - True copy of the recruitment notice, published in employment news of 26th May to 1st June, 2012 by the 2nd respondent.

Annexure A3 - True copy of Ministry of Defence (Navy) Group C Industrial Posts (Tradesman) Recruitment Rules, 2012.

Annexure A4 - True copy of order No. CP(P)/7837/VI CPC Group D/NHQ/253/US(MP)/D(N-II)/2012 dated 11.7.2012.

Annexure A5 - True copy of the order No. CS 2702 dated 17.8.2012 issued by the 3rd respondent.

Annexure A6 - True copy of corrigendum published in Mathrubhumi daily dated 16.11.2012 by the 3rd respondent.

Annexure A7 - True copy of the common order of this Hon'ble Tribunal in OA Nos. 1179/2012, 166/2013, 1176/2013 dated 19.2.2014.

Annexure A8 - True copy of the judgment of this Hon'ble Court in OP (CAT) No. 37/2014 and connected cases dated 8.7.2014.

Annexure A9 - True copy of the memorandum No. CS2702 issued by the 2nd respondent dated 29.9.2015.

Annexure A10 - True copy of the memorandum No. CS2702 issued by the 2nd respondent dated 15.12.2015.

RESPONDENTS' ANNEXURES

Nil