

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP/020/00107/2014 in OA/020/00980/2011

Date of Order : 01-01-2019

Between :

1. Boddeti Narasinga Rao S/o Jagganna,
Aged 48 yrs, R/o D.No.35-8-12,
Ramamurthypantulupeta, Kancharapalem,
Visakhapatnam-530008. (Applicant No.1)
2. Sreepada Venkata Chalapati Rama Krishna Prasad,
S/o SVSN Murthy, Aged 47 years, R/o D.No.Plot No.406,
Sreelaxmi Apartment, Near Venkojipalem Petrol Bunk,
Visakhapatnam (Applicant No.2)
3. Kodidasu Srinivasa Rao S/o Narasinga Rao,
Aged 46 yrs, R/o D.No.58-30-12, Saketapuram, NAD Post,
Visakhapatnam-530009 (Applicant No.7)
4. Kolli Shyama sundara Rao S/o Sanyasi Rao, Aged 45 yrs,
R/o C/o Bandari Apparao D.No.6-248, Gowtamnagar,
Vepagunta Post, Pendurthi mandal,
Visakhapatnam-530047 (Applicant No.8)
5. Mamidi Vasudeva Rao S/o Venkata narayana,
Aged 46 years, R/o D.No.C/o G Kannababu, Saluru,
Akayana Street, Vizianagaram, (Applicant No.9)
6. Lavudi Appala Suryanarayana S/o Jagadeeswara Rao,
Aged 43 years, R/o D. No. Lavudi Street, Saluru,
Vizianagaram-535591 (Applicant No.11)
7. Kandreegula Krishna S/o Sivannarayana, Aged 41 years,
R/o D.No.60-31-145, Janatha Colony, Malkapuram,
Visakhapatnam (Applicant No.16)
8. MD Habib S/o MD Abbas, Aged 41 yrs,
R/o D.No.13-11-10, BC Road, Aruna Lodge Street,
New Gajuwaka, Visakhapatnam-530026
(Applicant No.29)
9. Panigrahi Chalpathi Rao S/o P Satya Rao,
Aged 42 years, R/o D.No.57-27-3, Bhavani
Gardens, Industrial Estate Post,
Visakhapatnam-530007 (Applicant No.30)
10. Suggu kameswara Rao S/o Krishna Murthy,

Aged 40 years, R/o D.No.Kotipalli Village,
Vadada (PO), Badangi, Vizianagaram-535124
(Applicant No.33)

11. Gude Appala Satyanarayana S/o late Veeraju,
Aged 41 years R/o D.No.2-194/2, Kottavalasa Village,
Backside of Ayyappa Temple, Vizianagaram-535183
(Applicant No.35)

12. Kona Srinivasa Rao S/o Satyam, Aged 40 years,
R/o D.No.8-18-420/A, VT Agraharam, Rongalstreet,
Vizianagaram-535004 (Applicant No.35)

13. Chokka Dhana Raju S/o Tata Rao,
Aged 36 years, R/o D.No.39-93-312/1,
Indiranagar-5, Kancharapalem,
Visakhapatnam-530008 (Applicant No.41).

14. Emandi Ravi Kumar S/o narayana rao,
Aged 37 years R/o D.No.10-22-43,
C/o Jakka baburao, Pitani street,
Maharanipeta, Visakhapatnam-530002
(Applicant No.47).

15. Karada Rambabu S/o Parasuramulu,
Aged 38 years, R/o D.No.64-11-25,
Sriharipuram, Visakhapatnam-530011
(Applicant No. 49).

16. Nemala Srinivas Govinda Rao S/o N Kuncha Rao,
Aged 39 years R/o D.No.55-4-242, Simhadripuram,
HB Colony, Visakhapatnam (Applicant No.53)

17. Vankara Raja babu S/o Musalayya,
Aged 40 years, R/o D.No.Q.No.B102,
HSL Old Colony, Gandhigram Post,
Scindia, Visakhapatnam-530005
(Applicant No.59)

18. Pusarla Venata Ramana S/o Appa Rao (late),
Aged 33 years, R/o D.No.3-3-221,
S/o SUM Rao, Gudivada Appanna Colony,
BHPV, Visakhapatnam-530012
(Applicant No.60)

19. Gadadasu Chandrasekhar S/o G.Megharao,
Aged 36 years, R/o D.No.14-26-5, Angati
Street, Maharanipeta, Visakhapatnam-530002
(Applicant No.61)

20. Paladugu Srikanth S/o Baburao,
Aged 34 years, R/o D.No.7-88, Opposite
Maruthi Kalyanamandapam,
Simhachalam, Visakhapatnam-530028
(Applicant No.63)
21. Beesabattuni Syam Kumar S/o Subramanyam,
Aged 33 years, R/o D.No.27-7-40/2, Srinagar,
Gajuwaka, Visakhapatnam-530026
(Applicant No.64).
22. Mosa Siva V.S.Narayana S/o Bhoolokarao,
Aged 34 years, R/o D.No.60-15-24,
Prakashnagar, Malkapuram, Visakhapatnam-53001
(Applicant No.65)
23. Sesetti Suresh S/o Baburao, Aged 35 years,
R/o D.No.10-114, Papayyarajupalem,
Sujathanagar Post, Pendurthi, Visakhapatnam-531173
(Applicant No.66)
24. Dwaram Chandra Sekhar Rao S/o Krishnarao,
Aged 33 years, R/o D.No.12-8, Lakshminagar,
Gopalapatnam, Visakhapatnam-530027,
(Applicant No.68). ...Petitioners/Applicants

AND

1. Sri R.K. Mathur, Secretary,
Ministry of Defence, Union of India, South Block,
New Delhi-110 011.
2. Sri Murugesan, AVSM, Chief of Naval Staff,
Integrated Headquarters of Ministry of Defence (Navy),
New Delhi.
3. Sri Anil Chopra, Vice Admiral, Flag Officer Commanding-in-Chief,
Headquarters, Eastern Naval Command, Visakhapatnam-14.
4. Sri A.K.Sexana, Admiral Superintendent, Naval Dockyard,
Visakhapatnam-14. ...Respondents

Counsel for the Applicant: Dr. P. B. Vijay Kumar

Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM :

THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN

THE HON'BLE MR.B.V.SUDHAKAR, ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The petitioner in this Contempt Petition filed Original Application No.862/2011 and batch cases seeking the relief with regard to their absorption in the Naval Dock Yard. All of them have been trained as Apprentices in the Naval Apprentice School. Reliance was placed upon the scheme contained in SRO No.150/2000 and other relevant documents.

2. The individual OAs were disposed of by issuing direction to the Respondents to consider the cases of the respective petitioners for absorption in case he is otherwise eligible, without any age restriction in the existing or future vacancies. The orders were passed on different dates in the year 2013. These Contempt Petitions are filed alleging that the Respondents are not implementing the directions passed by this Tribunal.

3. Respondents filed individual replied in the Contempt Petitions. They state that subsequent to the orders passed in batch of the Original Applications, the Tribunal passed orders in various other matters indicating the method of filling up of the posts by the Apprentices. It is stated that the vacancies for respective years were notified and the candidates were taken up depending upon their seniority and in accordance with the other

parameters. The individual orders dated 13.03.2018 communicated to the applicants are also made part of the record. Some of the petitioners also filed Rejoinders.

4. We heard Dr.P.B.VijayKumar, Mrs. Anita Swain, learned counsel for the applicants and Mrs.K.Rajitha, learned Sr Central Govt., Standing Counsel for Respondents.

5. The direction issued in respect of the Contempt Petitioner is to the effect that their cases be considered for absorption without referring to any age limit, against the existing or future vacancies. This was subject to their holding other stipulated qualifications. The case of the Respondents is that in compliance with the direction issued in other Original Applications, the vacancies that were referable to the period up to the year 2012 were filled in accordance with the procedure stipulated in SRO 150 and the remaining vacancies were filled in accordance with the extant procedure. So far as the case of the applicants is concerned, it is stated that they were also considered against the relevant vacancies and on account of their place in the seniority, they were not appointed. Reference is made to an order dated 21.11.2012 in OA No.318/2010 and the consequential order of appointment was issued on 17.12.2015 to the applicant.

6. We perused the order in OA No.318/2010 carefully. It is evident that the service particulars of the applicant therein were taken note and a specific direction was issued to consider his case, against an OBC vacancy. On finding that vacancy of that nature, he was absorbed. The facts of the

case on hand are substantially different. Except that a general direction was issued, no specific exercise was required to be undertaken.

7. In case the applicants are of the view that any person who is junior to them in the seniority list was absorbed even while leaving them aside, a representation to that effect can be made. There is no reason to believe that the Respondents will not look into such representations. As of now, we do not find that the Respondents did not consider the specific directions. If any representations are made, they shall be disposed of preferably within a period of three months from the date of receipt of the same.

8. The Contempt Petitions are accordingly closed. There shall be no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated : 1st January, 2019.
Dictated in Open Court.

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