CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP/020/00105/2014 in OA/020/00979/2011

Date of Order : 01-01-2019

Between :

1. Gurram Ramu S/o Govinda Rao,
   Aged 36 years, R/o D.No.3-3-169, GA
   Colony, BHPV, Visakhapatnam-530012
   (Applicant No.1)

2. Madisa Raju S/o Appa Rao, Aged 36 years,
   R/o D.No.31-533-75/2, Near Nookamamba Temple,
   Yadava Jaggarajupeta, Fakerthakia Post,
   Visakhapatnam-530049 (Applicant No.2)

3. Kosuru Venkata Appa Rao S/o Ramana,
   Aged 36 years, R/o D.No. flat No.46B,
   FF7, Vambay colony, Madhurawada,
   Visakhapatnam-530041 (Applicant No.3)

4. Maddila Prasad S/o M.Kondala Rao,
   Aged 34 years, R/o D.No. Ramarao Colony
   Pedaboddepalli, Narsipatnam Mandalam,
   Visakhapatnam-531116 (Applicant No.4)

5. Botta Srikanth S/o B Laxmana Rao, Aged 34 years,
   R/o D.No.2-1-7/A, Sea Colony, Visakhapatnam
   (Applicant No. 6).

6. Vanapalli Prasad S/o VV Ramana, Aged 35 years,
   R/o D.No.4-4-10/1, Near Water tank, Wood peta,
   Anakapalli, Visakhapatnam-531001 (Applicant
   No.7)

7. Pyla Adinarayana S/o Suryanarayana, Aged 35 years,
   R/o D.No.50-61-9, Rajendranagar, Seethammapeta,
   Visakhapatnam-530016 (Applicant No.8)

8. Cheepuribilli Krishnamurthy S/o Sanyasi Naidu,
   Aged 37 years, R/o Amruthapuram Village & Post,
   Sabbavaram, Visakhapatnam-531035
   (Applicant No.9) .... 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 petitioners in this Contempt Petitions filed Original Application Nos.862/2011 and batch 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 directions to the Respondents to consider the cases of the respective petitioners for absorption in case they are otherwise eligible, without any age restriction, against 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 replies in the Contempt Petitions and in MAs also. 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 have also field Rejoinders.

4. We heard Dr. P. B. Vijay Kumar, 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 the respective OAs 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 directions issued in other Original Applications, the vacancies that were referable to the period up 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 low place in the seniority, they were not appointed. Reference is made to an order dated 21.11.2012 in O.A. No.318 of 2010 and the consequential order of appointment was issued on 17.12.2015 to the applicant therein.

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 of and a specific direction was issued to consider his case against an OBC vacancy. On finding that vacancy of that nature was available, he was absorbed. The facts of the cases on hand are substantially different. Except that a general direction was issued, no specific exercise to decide their eligibility 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 Cases 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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