

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

**Contempt Petition No.020/00106/2014 in
Original Application No.020/00974/2011**

Date of Order : 01.01.2019

Between :

1. Karedla V Laxman Kumar S/o KV Apparao, Aged 35 years, R/o D.No.57-8-33, Gokulnagar, Kancharapalem, Visakhapatnam-50008 (Applicant 1).
2. Sukka Srinivas S/o S.Samudram, Aged 34 years, R/o D.No.60-20-20, Prakashnagar, Malkapuram, Visakhapatnam-530011 (Applicant 2).
3. Podugu Suresh Kumar S/o Mallikarjuna Sastry (late), Aged 34 years, R/o D.No.44-22-1/1, Near Ramalayam Temple, Railway New Colony, Visakhapatnam-530016 (Applicant 3).
4. Samsani Surendranadh S/o Satyanaryaana Murthy, Aged 34 years, R/o D.No.49-44-28, Akkayyapalem, Venkateswara Nilayam, Visakhapatnam-530016 (Applicant 4).
5. Pothabathula Ramesh S/o P. Sattibabau, Aged 34 years, R/o D.No.Q.No.B66, Scindia Old colony, Gandhigram Post, Visakhapatnam-530005 (Applicant 5).
6. Bammidi narasimga Rao S/o Ramunaidu, Aged 33 years, R/o D.No.4-76, APHB Colony, Purushottampuram, Sujathanagar, Visakhapatnam-530051 (Applicant 6).
7. Jogi Appa Rao S/o Narasimhulu, Aged 35 years, R/o D.No.Hayatinagaram, Balajinagar Street, Gujarateepeta Post, Srikakulam-532005 (Applicant 8)
8. Anupoju Satish Kumar S/o Suryanarayana Murthy, Aged 34 years, R/o D.No.63-4-20/41, Pavanaputranagar, Sriharipuram, Visakhapatnam-530011 (Applicant 9)
9. Thikkada Lakshmi Ramesh S/o Pentayya, Aged 33 years, R/o D.No.31-54-66, Siddardhanagar, Vadlapudi, Visakhapatnam (Applicant 10)
10. Sammidi Venkata Ramana S/o late Bangarayya, Aged 33 years, R/o D.No.36-91-124, Nalandanagar, Kancharapalem, Visakhapatnam-530008 (Applicant 11)
11. Surada Rama Kumar S/o S.Apparao, Aged 33 years,

R/o D.No.60-22-9/A, Prakashnagar, Malkapuram,
Visakhapatnam-(Applicant 12)

12. S. Chandras Karthik S/o Gokuldas, Aged 37 years,
R/o D.No.A-636, Scindia New Colony, Gandhigram,
Visakhapatnam-(Applicant 13)

13. Anthani Kiran Kumar S/o Anand, aged 35 yrs, Q.1/7,
Scindia Staff Colony, Gandhigram, Visakhapatnam-(Applicant 14)

14. Bhupathi Satyaprakash S/o Ramarao, aged 34 yrs,
D. No: 16-35, Gowtham St, Prahladapuram,
Visakhapatnam-530008(Applicant 15) ... 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 -110 011.

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... Mrs.Anita Swain
Counsel for the Respondents ... Mrs.K.Rajitha, Sr.CGSC

CORAM:

Hon'ble Mr.Justice L.NARASIMHA REDDY... Chairman
Hon'ble Mr. B.V.SUDHAKAR ... Member (Administrative)

ORAL ORDER

[As 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 reply 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.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 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 low 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 was available, 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.

9. In view of the closure of the CP, MA No.580/2018 is dismissed as no orders are necessary.

**(B.V.SUDHAKAR)
MEMBER(ADMN.)**

**(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN**

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

vl