

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP/020/00140/2014 in OA/020/00973/2011

Date of Order : 01-01-2019

Between :

1. Nammi Jyothi Prasad S/o Chinnayya,
Aged 43 years, R/o D.No.34-14-76, Manaval Street,
Gnanapuram, Visakhapatnam-530004 (Applicant No.1)
2. Thrlinga Sankara Rao S/o Appa Rao,
Aged 42 years, R/o D.No.44-22-2/1,
Ramalayam Street, Railway New Colony,
Visakhapatnam-530016 (Applicant No.12)
3. Rongali Chitti Naidu S/o Appalanaidu,
Aged 42 years, R/o D. No. Sudivalasa Village,
K. Kotapadu, Visakhapatnam-531183 (Applicant No.3)
4. Gilakamsetti Srinivasa Rao S/o Trimurthulu,
Aged 41 years, R/o D.No.38-31-56/1, Green Gardens,
Marripalem, Visakhapatnam-530018 (Applicant No.5)
5. Narava Srinivas Chandrasekhar S/o Adinarayana,
Aged 38 years, R/o D.No.3-150/1, SC Colony, Baji
Junction, Gopalapatnam, Visakhapatnam-530027
(Applicant No.6)
6. Dodla Gowri Prasad S/o D Laxmanarao, Aged 37 years,
R/o D.No.57-25-32, Tummadapalem, kancharapalem,
Visakhapatnam-530008 (Applicant No.7)
7. Srinivas panigrahi S/o P Satya Rao,
Aged 38 years, R/o D.No.57-27-3,
Bhavani Gardens, Industrial Estate Post,
Visakhapatnam-530007 (Applicant No.8)
8. Boddu Sree Rama Murthy S/o Appala Patrudu,
Aged 36 years, R/o D.No.36-92-248/27,
Burma Camp, srinivasanagar, Kancharapalem,
Visakhapatnam-530008 (Applicant No.9)
9. Uggina Venkata Rao S/o Appalanaidu,
Aged 35 years, R/o D.No.63-1-182, Ashoknagar,
Sriharipuram, Visakhapatnam-530011
(Applicant No.10)

10.Yellapu V.B.P.R.Hari Vital S/o Nookaraju,
Aged 35 years, R/o D.No.7-9-16/1, Pantulugarimeda,
Old Gajuwaka, Visakhapatnam-530026 (Applicant
No.12) (The other applicants have not joined in
this CP).

...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 orders.

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. 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 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 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 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 applicant 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 Original Application No. 318/2010 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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