

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.309/2017

Date of Decision: 18.03.2019.

CORAM: R. VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Muralidhar Saripali,
Age 29 years, Working as Assistant
Manager, Naval Armament Organization.
R/at Q.No.146/3 NAD Officers Residential
Bldg., Beside Archana, NOFRA, Naval
Station Karanja, Uran, Raigad 400 704.
 2. Gohil Ketan Kantibhai
Age 30 years,
Working as Assistant Manager,
R/at Q.No.145/03 NAD Officers, Residential
Bldg., Beside Archana, NOFRA, Naval
Station Karanja, Uran, Raigad 400 704.
 3. Aditya Ranjan
Age 31 years,
Working as Assistant Manager,
Naval Armament Organization,
R/at Q.No. P/21/3 Astra Vihar, NAD
Officers Colony, Mankhurd,
Mumbai 400 088.
- ... *Applicants*
- (Advocate Shri Vicky Nagrani)***

VERSUS

1. The Union of India, through
The Chief of Naval Staff
(For Director, DCP) Directorate of
Civilian Personnel Integrated Headquarters
of Ministry of Defence (Navy)
R.No.101, D-II Wing, Sena Bhawan,
New Delhi.
2. The Director General of Naval Armament
Integrated Headquarters, Ministry of Dfence
(Navy), West Block-V, RK Puram, Sector-V
New Delhi 110 066.

3. The Chief General Manager,
Naval Armament Depot, Naval
Dock Yard, Mumbai.
(Advocate Shri R.R. Shetty)

... Respondents

ORDER (Oral)

Per : R.Vijaykumar, Member (A)

Heard the learned counsels for the parties.

2. The Applicants have challenged the Draft Seniority list issued by the respondents along with their letter dated 23.05.2016 and has sought the following reliefs:

"8.a This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same quash and set aside the impugned draft seniority published vide letter dated 23.05.2016 with all consequential benefits.

8.b This Hon'ble Tribunal may further be pleased to direct the respondent no.2 correctly fix the seniority whereby listing the candidates appointed from reserved list (of 2010 and 2012) be placed below the candidates appointed on merit from the main list of 2010, 2011 and 2012 and accordingly assign correct seniority to the applicants by fixing the seniority as per the date of appointment with all consequential benefits.

8.c Costs of the application be provided for.

8.d Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

3. During the discussion, it is submitted by the learned counsel for the applicants

that subsequently in 2017, the representation of the applicants have been dismissed but all the aspects that they had presented had not been taken into account. In particular, the learned counsel for the applicant states that Memorandum No.F.No.212(22)/2015-16/Pr.CCIT/Vol.III dated 28.07.2015 has not been considered by the respondents. Meanwhile, the learned counsel for the applicants also states that further promotions to the next higher level subsequent to entry have also occurred based on the Draft Seniority list.

4. In the circumstances therein, the applicants shall be at liberty to file a detailed representation with the respondents within a period of two weeks and the respondents shall consider their representation along with the previous representation and references cited by the applicants thereon and pass a reasoned and speaking order within six weeks of receipt of a certified copy of this order and communicate these orders to the applicants within two weeks thereafter. We make it clear that we have not expressed any opinion

on the merits of the claim of the applicant
or on legal aspects of the matter.

5. In the aforesaid terms, the OA stands
disposed. No order as to costs.

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

dm.

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28/3/19