

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

O.A. No.021/00883/2018
&
M.A.No.112/2019 in O.A. No.021/00883/2018

Date of Order :18.04.2019.

Between :

1. Talari Guru Gopal, s/o Shri Talari Bala Gurappa,
Aged about 38 yrs, Occ:Drilling Assistant Gr-I,
Engineering Division, Geological Survey of India,
Southern Region, Bandlaguda, Hyderabad.

2. Kammari Naveen Kumar, s/o K.Sista Chary,
Aged about 37 yrs, Occ:T O Drilling Assistant Gr-I,
Engineering Division, Geological Survey of India,
Southern Region, Bandlaguda, Hyderabad.

3. Birre Srinivasa Rao, s/o Venkateswar Rao,
Aged about 34 yrs, Occ:T O Drilling Assistant Gr-I,
Engineering Division, Geological Survey of India,
Southern Region, Bandlaguda, Hyderabad.

...Applicant s

And

1. The Union of India, rep., by the Secretary,
M/o Mines, Dept. Of Mines, Shashtri Bhavan,
New Delhi-110 001.

2. The Director General,
Geological Survey of India (CHQ),
27, J.N.Nehru Road, Kolkata-700 016.

3. The Deputy Director General (P&A),
Geological Survey of India,
27, J.N.Nehru Road, Kolkata-700 016.

4. The Additional Director General,
Geological Survey of India, Southern Regional
Office, Bandlaguda, Hyderabad.

... Respondents

Counsel for the Applicant

... Mr.K.Phani Raju

Counsel for the Respondents

... Mr.R.V.Mallikarjuna Rao, Sr.PC for CG

CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)**

ORAL ORDER

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

The applicants are now working as Drilling Assistants Grade-I, Engineering Division in the Geological Survey of India, Southern Region.

2. The respondents have undertaken reorganization of the entire establishment and several posts were merged. In the context of promotion to Junior Technical Assistant (JTA), a gradation/seniority list of the merged cadres was published in March 2017. Objections were also invited.

3. The applicants contend that but for the merger and reorganization, they would have been in a very high place in the final gradation/seniority list and on account of the illegal omission of the posts held by them in the process of reorganization, they are denied an opportunity of being promoted. Several contentions also are advanced in this behalf. An order dated 01.04.2017 was issued through which the gradation list is prepared. The same is challenged and necessary reliefs in this behalf, are prayed for.

4. The respondents filed a counter affidavit opposing the OA. It is stated that a Gazette Notification was issued on 13.02.2013 through which the

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existing streams viz., Mechanical Engineering and Drilling Engineer streams were merged and the cadres were redesignated. It is stated that since the applicants were in the lower category at that time, they were not included in the gradation list. The service particulars of the applicants are furnished in detail. It is also mentioned that objections were invited to the provisional gradation/seniority list and the applicants did not respond to that at all. Other pleas raised by the applicants are denied.

5. We heard Mr.K.Phani Raju, learned counsel appearing for the Applicants and Mr.R.V.Mallikarjuna Rao, learned standing counsel appearing for the Respondents.

6. It is not in dispute that the applicants are now holding the posts of Drilling Assistant Grade-I. It was in the year 2013, that steps for reorganization of merger of some posts were taken. As of now, we are not placed with the relevant facts relating to the posts held by the applicants, before merger and the reasons for their exclusion in the process.

7. It may be true that the respondents invited objections before publishing a gradation list. However, it appears that the applicants were not aware of the same and there was no occasion for them to raise objections. We are of the view that even now the applicants can be permitted to submit

their representations in this behalf and before any promotions are made, the representations be considered and appropriate orders be passed.

8. We, therefore, dispose of this OA directing that it shall be open to the applicants to submit detailed representations to the respondents within two weeks from today and the respondents shall consider the same and pass a reasoned order before any promotions are made on the basis of the gradation list.

9. As the main OA is disposed of, the M.A.No.112/2019 filed by the respondents also stands disposed of.

10. There shall be no order as to costs.

Sd/-

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

Sd/-

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated: this the 18th day of April, 2019
Dictated in the Open Court

Dsn.