

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/688/2016 & MA 845/2017

Hyderabad, this the 22nd day of January, 2020



Hon'ble Mr. Ashish Kalia, Member (Judl.)
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

1. T. Dharmendra Kumar, S/o. T. Koteswara Rao, Aged 38 years,
Occ: Chief Commercial Clerk Grade II,
O/o. The Clerk-in-charge, Simhachalam Booking Office,
Simhachalam RS, Waltair Division, East Coast Railways.
2. K.V.V. Satyanarayana, S/o. K. Appa Rao, aged 48 years,
Occ: Chief Commercial Clerk Grade II,
O/o. The Station Master, Tikiri RS., Waltair Division,
East Coast Railway.

... Applicants

(By Advocate Mr. K.R.K.V. Prasad)

Vs.

1. Union of India, Rep. by the Chairman, Ministry of Railways,
Railway Board, Rail Bhavan, New Delhi.
2. The General Manager,
East Coast Railway, Chandrasekharapur, Bhubaneswar.
3. The Senior Divisional Personnel Officer,
Waltair Division, East Coast Railway, Visakhapatnam.
4. G.N. Chetty, Occ: Chief Commercial Clerk-II,
Waltair Division, East Coast Railway, Visakhapatnam.
5. B. Appa Rao, Occ: Chief Goods Clerk-II,
Waltair Division, East Coast Railway, Visakhapatnam.
6. P.V. Rao, Occ: Chief Goods Clerk-II,
Waltair Division, East Coast Railway, Visakhapatnam.

... Respondents

(By Advocates: Mr. Bhim Singh, Proxy counsel for
Mr. V.V.N.Narasimham, SC for Railways)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}



2. The applicants were appointed as Commercial Apprentices in the Waltair Division in pay scale of Rs.5500-9000 (V CPC) in the pre-merged scenario. After the merger of the scales of Rs.5000-8000 and Rs.5500-9000, the applicants were placed below the persons who were appointed in the grade of Rs.5000-8000. Some persons were also promoted from the grade of Rs.5000-8000 to the grade of Rs.5500-9000 and the applicants were placed below those persons, though the applicants were initially appointed to the grade of Rs.5500-9000. Seniority was published placing the names of the applicants in the merged scale, wrongly applying the instructions vide RBE No.107/2012. Applicants submitted representation by referring the seniority protection given to the similarly appointed Commercial Apprentices in other Divisions of South Central Railway as per the merged grades by placing their names above the employees who were appointed to the grade of Rs.5000-8000. However, the impugned letter dated 02.04.2013 was issued rejecting the claim of the applicants.

3. The matter was heard at length. Learned counsel for the respondents submitted that the same issue was dealt with by this Tribunal in OA 1842/2015 & 1844/2015, wherein the relief sought for by the applicants was granted. However, the matter was carried over to the Hon'ble High Court of Andhra Pradesh, wherein, vide order dt. 02.04.2019 in I.A. No. 1 of 2019 in WP No. 4507 of 2019, it was observed as under:

“The contention that the sixth CPC recommendations were accepted on 04.09.2008 retrospectively from 01.01.2006 and in that view of the matter, the instructions specified in sub-para 3 of para-2 of RBE No. 107/2012 are sustainable requires detailed examination.

Hence, there shall be an interim suspension, as prayed for, until further orders.”



4. In view of the above developments, it would be appropriate and fair to direct the applicants to pursue the appropriate remedies, if they so desire, after the judgment of the Hon'ble High Court in WP No. 4507/2019 is rendered.

5. With the above directions, the OA is disposed of. MA No.845/2017 also stands disposed of.

6. No order as to costs.

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

(ASHISH KALIA)
MEMBER (JUDL.)

/evr/