

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/0222/2014

HYDERABAD, this the 23rd day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



T. Muralinath,
S/o. late Laxmayya Naidu,
Aged 57 years, Occ: C&W Welder, Gr.I,
O/o. ADME Wagon Depot,
R/o. Flat No.183, Sitapuram Colony,
Poranki, Vijayawada Rural,
Krishna District 520 005. ... Applicant

(By Advocate: Mr. P. Sudheer Rao
for Mrs. K. Udaya Sri)

Vs.

1. Union of India rep. by
South Central Railway,
Rail Nilayam, Secunderabad
Rep. by its Chief Personnel Officer.
2. South Central Railway,
Vijayawada Division,
Divisional Railway Manager Office,
Vijayawada, Krishna District
Rep. by its Divisional Railway Manager.
3. South Central Railways,
Vijayawada Division, Krishna District
Rep. by its Senior Divisional Personnel Officer (Mechanical).
4. South Central Railways,
Vijayawada Division,
Krishna District rep. by its
Senior Divisional Mechanical Officer.
5. S.K. Muneer,
O/o. Asst. Divisional Mechanical Engineer (ADME),
Wagon Dept., Vijayawada Division,
South Central Railway,
Vijayawada 520 002.
6. Yacob Sheriff,
CAW, Welder Gr.I,
O/o Assst. Divisional Mechanical Engineer,
WAGON depot, Vijayawada Division,
Vijayawada, Krishna District. ... Respondents

(By Advocate: Mrs. A.P. Lakshmi, SC for Railways)

O R D E R (ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman



The applicant joined the South Central Railway as Khalasi and his services were regularised in the post on 11.03.1980. He acquired various promotions at different stages and ultimately became the Welder Gr.I, by the year 01.11.2003. The next promotion was to the post of Senior Technician (MCM). The applicant contends that when he was waiting for his promotion, the Respondents No.5 & 6, who were from other Units of appointment, were transferred to his Unit on mutual basis, and were also issued orders of promotion on 07.08.2001. He filed this O.A with a prayer to declare the action of the Respondents No.1 to 4 in not promoting him to the post of Senior Technician (MCM) on par with Respondents No.5 & 6 and to direct the respondents to reckon his seniority, duly taking into account, his service particulars. A prayer is also made to promote him to the post of Sr. Technician (MCM).

2. The applicant contends that his name figured at S1.No.3 in the seniority list for the post of Welder Gr.I but it was changed to his disadvantage. He contends that there is no provision for mutual transfer of employees in the post of Welder Gr.I and even otherwise, if a senior Welder of other Unit of appointment comes to another Unit on mutual transfer, he needs to be placed at the bottom. He submits that deviating from all the relevant norms, the respondents had promoted Respondents No.5 & 6.

3. The respondents filed a reply statement, opposing the O.A. It is stated that the applicant was far junior and he was not entitled to be promoted, by the time Respondents No.5 & 6 were considered for promotion.

4. We heard Sri P. Sudheer Rao representing Smt. K. Udaya Sri, learned counsel for the applicant and Smt. A.P. Lakshmi, learned Standing Counsel for the respondents.

5. The applicant figured at Sl.No.3 in the seniority list for the post of Welder Gr.I. He was to wait for his turn at that stage. However, the Respondents No.5 & 6, who were from borne on the cadre of Rayanapadu Station, were transferred to Vijayawada. The grievance of the applicant in so far as the Respondents No.5 & 6 were promoted in preference to him would have been genuine, had it been a case of simple transfer. It is stated that the Respondents No.5 & 6 came on mutual transfer and, as per Para 3.10 of IREC Vol.I, whenever an employee is transferred on mutual basis, his seniority shall be retained. The necessity for us to deal with this issue in further detail is obviated on account of two facts. The first is that the respondents issued proceedings dated 30.01.2014, taking the view that the very transfer of Respondents No.5 & 6 from Rayanapadu to Vijayawada was contrary to law and impermissible. The transfer is said to be from ex-cadre to cadre. They were required to explain as to why their orders of transfer as well as promotions, be not cancelled. It is not known as what further steps have been taken.

6. The 2nd fact is that the applicant has retired from service on 30.04.2016, on attaining the age of superannuation. It is not the case of the

applicant that Welders Gr.I at Sl.No.1,2 & 4 in the seniority list, have been promoted. He can have grievance or claim, if only Sl.No.4 in the seniority list is promoted, by ignoring his case. Such is not the plea of the applicant.

7. We do not find any merit in the O.A. and it is accordingly dismissed.

There shall be no order as to costs.



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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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