

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/122/2018

HYDERABAD, this the 21st day of January, 2020

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



1. M.D. Naik, S/o. M. Doddha Naik,
Aged about 56 years, Occ: Chief Surgeon,
Central Hospital, South Central Railway,
Lallaguda, Secunderabad.
2. Naga Prasunamba V., S/o. V.V. Krishna Murthy,
Aged about 56 years, Occ: Chief Medical Supdt.,
Railway Hospital, South Central Railway,
Nanded Division, Nanded, Maharashtra.
3. Chandrashekhar Rao Nittoor, S/o. N. Neelakanta Rao,
Aged about 59 years, Occ: Chief Medical Supdt.,
Railway Hospital, South Central Railway,
Vijayawada Division, Vijayawada.
4. Srikanta Mahapatra, S/o. Dinabandhu Mahapatra,
Aged about 59 years, Occ: Chief Surgeon,
Central Hospital, South Central Railway,
Lallaguda, Secunderabad.
5. N. Ramesh, S/o. N. Krishna Rao,
Aged about 57 years, Occ: Chief Medical Supdt.,
Railway Hospital, South Central Railway,
Guntakal Division, Guntakal.
6. C.K. Venkatewaralu, S/o. C.R. Kuppaswamy,
Aged about 54 years, Occ: Chief Health Director,
South Central Railway, Rail Nilayam,
Secunderabad.
7. V. Subbarayudu, S/o. V. Subbaiah,
Aged about 59 years, Occ: Addl. Chief Health Director,
Central Hospital, South Central Railway,
Lallaguda, Secunderabad.
8. Suparna Goswami, D/o. Angshumali Goswami,
Aged about 57 years, Occ: Addl. Chief Health Director,
Central Hospital, South Central Railway,
Lallaguda, Secunderabad.
9. Amal Kumar Mahata, S/o. Jogindra Naik,
Aged about 57 years, Occ: Addl. Chief Health Director,
Central Hospital, South Central Railway,
Lallaguda, Secunderabad.
10. B. Surendra Naik, S/o. Ramji Naik,
Aged about 55 years, Occ: Addl. Chief Medical Supdt.,
South Central Railway, SDH, Tirupathi,
Chittoor District.

... Applicants

(By advocate: Mr. M.C. Jacob)

Vs

1. Union of India rep. by
The Secretary, Railway Board,
Ministry of Railways,

Rail Bhavan, New Delhi.

2. The General Manager,
South Central Railways,
Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer,
South Central Railways,
Rail Nilayam, Secunderabad.
4. V. Govindurajulu, aged 59 years,
Occ: Addl. Chief Health Director,
Central Hospital, S.C. Railway,
Lallaguda, Secunderabad.
5. Md. Nazeer Hussain, aged about 57 years,
Occ: Addl. Chief Medical Supdt.,
South Central Railway, Railway Hospital,
Guntakal, Ananthapur District, Andhra Pradesh.
6. SAR Siddique, aged about 61 years,
Occ: Addl. Chief Medical Supdt.,
South Central Railway,
Railway Health Unit, Kurnool,
Kurnool District, Andhra Pradesh.
7. Ramadevi Desai, aged about 59 years,
Occ: Addl. Chief Medical Superintendent,
South Central Railway, Railway Health Unit,
Madanapalli, Chittoor District, Andhra Pradesh.
8. N. Jyothi, aged about 59 years,
Occ: Addl. Chief Medical Supdt.,
South Central Railway, Railway Hospital,
Guntakal, Ananthapur Dist., Andhra Pradesh.
9. T. Ganapathi, aged about 59 years,
Occ: Addl. Chief Medical Superintendent,
South Central Railway, Central Hospital,
Lallaguda, Secunderabad.
10. Anurag Mathur, aged about 58 years,
Occ: Addl. Chief Medical Supdt.,
South Central Railway, Divisional Hospital,
Nanded Division, Nanded, Maharashtra.
11. B. Sushama, aged about 56 years,
Occ: Addl. Chief Medical Superintendent,
S.C. Railway, Railway Health Unit,
Chilkalaguda, Secunderabad.
12. Sowribala, aged about 54 years,
Occ: Addl. Chief Medical Supdt.,
S.C. Railway, Railway Hospital,
Vijayawada, Krishna Dist, Andhra Pradesh.

... Respondents

(By advocate: Mr. S.M. Patnaik, SC for Railways)

O R D E R (ORAL)

Hon'ble Mr. Ashish Kalia, Judl. Member



The present O.A. is filed by the applicants challenging the action of the 1st respondent by proceeding dated 7.11.2017 in finalising the inter-se seniority of doctors initially appointed on ad hoc basis during 1985-86 and regularised by UPSC after interview in 1992, by revising the existing seniority of Indian Railway Medical Service (IRMS) officers recruited after due selection by UPSC during 1984-86 by placing them above, based on their date of appointment on ad hoc basis and consequential action of the 1st and 3rd respondent by proceeding dated 1.12.2017 and 20.12.2017 for considering them for further promotions based on the antedating of seniority being contrary to the larger bench decision of the Hon'ble Supreme Court.

2. On notice, respondents filed a detailed reply, stating that the Hon'ble Supreme Court in Civil Appeal No.6113/2008, allowed the benefit to adhoc appointees.

3. Heard Sri M.C. Jacob, learned counsel for the applicants and Sri S.M. Patnaik, learned counsel for the respondents.

4. During the course of arguments, learned counsel for the applicants produced a copy of the order of the Co-ordinate Bench of C.A.T. at Jabalpur in OA/203/184/2018 and submits that the case of the applicants is squarely covered by it. The operative portion of the order reads as under:

ð20. Therefore, the right cause of action would be to follow the law laid down by three Judge Bench of Hon'ble Supreme Court in the matters of Lalita S. Rao (supra).

21. In this view of the matter, the impugned seniority list (Annex.A-1) deserves to be quashed and set aside as it is contradictory to the verdict laid down by the Hon'ble Supreme Court in the matters of Lalita S. Rao (supra).

22. In the result, the O.A. is allowed. The impugned seniority list issued on 7.11.2017 (Annex.A-1) is quashed and set aside. No costs.ö



5. A perusal of the order dated 4.10.2019 of the Jabalpur Bench in OA/203/184/2018 makes it clear that the case of the present applicants is fully covered by it. We are of this view that the impugned orders are liable to be quashed and set aside. We do so. The respondents are directed to extend the benefit of the said judgement to the applicants herein within 90 days from the date of receipt of this order. No order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(ASHISH KALIA)
JUDL. MEMBER

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