

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE SIXTH DAY OF NOVEMBER, 1986

Present : Hon'ble Justice Shri K.S. Puttaswamy

... Vice-Chairman

Hon'ble Shri L.H.A. Rego

... Member (A)

APPLICATION NO. 327/86

M. Krishna Murthy,
S/o M. Kannaiah Mudaliar,
residing at plot No.37,
Railway Layout,
Pillanna Garden III Stage,
Bangalore-560 045.

... Applicant

(Shri K. Narasimha Murthy ... Advocate)

v.

The Chairman,
Railway Board,
Railway Bhavan,
New Delhi.

The General Manager,
Southern Railway,
Madras.

The Divisional Railway Manager,
Southern Railway, Mysore.

4. P. Balakurup

5. S. Sivasubramaniam

6. O.S. Soundararajan.

7. P.V. Samuel*

8. B. Thulasiram,

9. C. Ramachandraiah

10. S.K. Rajagopal,

11. Syed Murthuza,*

12. P. G. Narasimhalu,

13. Y. Krishnamurthy*

14. K. Raghupathy,*

15. R. Richard,*

16. D.L. Johnstone,*

17. H. Alexander David,*

18. A.V. Jayaram,*

19. A.N. Sivasankaran,*
20. S.M. Ismail,*
21. S.G. Seeyalam,*
22. I.Janakiram Balu Naidu,*
23. C. Govindaswamy,*
24. V.V. Anthony,
25. S. Muni Reddy, *
26. R. Balasubramanian, *
27. N. Hiralal,*
28. S.M. Thayumanaswamy,
29. M. Chandrasekaran,
30. C.J. Thirumanianathan,
31. E. Doraiswamy Naidu,*
32. V.S. Govindarajulu,*
33. W.P. Subba Rao,
34. S.G. Dayamurthy,
35. B. Xavier,*
36. D. Hussainappa,*
37. A.R. Pillai,*
38. V.S. Varadarajan,
39. N.V. Ramanathan,
40. P.V. Srinivasan,
41. K.P. Sivasankaran Nair

Respondents No.4 to 41

C/o The Chief Personnel Officer,
Southern Railway,
Madras-600 003

*deleted

(Shri A.N. Venugopal, .. Advocate)

This application has come up for hearing before this Tribunal to-day, Hon'ble Vice Chairman made the following:

O R D E R

In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act 1985 (Act), the applicant has challenged the combined provisional seniority list of HTCs and TTIs in the scale of Rs.425-640 of the Commercial Branch as on 1.12.1977 (Annexure A) and various other reliefs.

2. The applicant joined service in the erstwhile M&SM Railways on 22.5.1945 as a Ticket Collector. On 1.4.1946 the erstwhile M&SM railways and other private railways in the country were nationalised from which date, the applicant became an employee of Indian Railways. On 1.4.1956 the applicant was promoted as a Senior Ticket Collector and on 1.12.1968 as a Head Ticket Collector (HTC).

3. The posts of HTCs and TTIs were merged into a combined cadre with effect from 1.1.1965 and in the combined provisional seniority list of these cadres, as on that date the applicant was assigned rank No.102. But he claims that he should have been assigned a higher rank over the rank assigned to respondent 4 who had been assigned rank No.11. The applicant also claims that his ad hoc promotion as HTC from 1.2.1968 should be treated as a regular promotion and his other service conditions must be regulated on that basis from time to time.

4. In their statement of objections filed before the High Court, respondents 1 to 3 have asserted that the earlier

promotions were all ad hoc and that whatever was legitimately due to the applicant from time to time, had been made available to him.

5. Shri K. Narasimha Murthy, learned counsel for the applicant contends that the ad hoc promotion of his client from 1.2.1968 must be declared as a regular promotion and the benefits that are due to him on that basis from time to time should be extended to him. In support of his contention Shri Murthy strongly relies on the ruling of the Supreme Court in 1980 SCC L&S 531 BALESHWARDAS V. STATE OF U.P. and a Division Bench ruling of the Madras High Court in Writ Appeal No.1113/79 GENERAL MANAGER SOUTHERN RAILWAY V. VAIDYALINGAM.

6. Shri A.N. Venugopal, learned counsel for respondents 1 to 3 contends that the very seniority list that has been challenged by the applicant was no longer in force and the same had been redone in pursuance of an order of the High Court in Writ Petition No.516/73 and the grievance of the applicant was really an imaginary one.

7. We find that the very seniority list challenged by the applicant had also been challenged before the High Court by one THIMMANNA in writ petition No.516/73, which had been disposed on 15.11.1979 with a direction to re-do the same. In compliance of that order, the Railway Administration has prepared a fresh seniority list as on 1.1.1965 in the combined cadres of HTEs and TTEs and in that seniority list the applicant has been assigned rank No.13, which has not been challenged by the applicant. We should not forget that the revised combined seniority list will be the basis on which all further seniority lists or further promotions

should be regulated.

8. When the applicant had not challenged the revised seniority list, it follows from the same that the ranking assigned to him namely rank No.13 therein was the correct one to which he was entitled to in law and proceed only on that basis. In Application No.275/86 and 326/86 this Tribunal had upheld its validity also. On this short ground, we have to reject the challenge of the applicant to the earlier seniority list and all other claims based on the same.

9. We are also of the view that the claim of the applicant that his ad hoc promotion itself should be treated as a regular promotion cannot be upheld by us. We are of the view that the rulings relied by Shri Murthy do not really bear on the point. We see no merit in the claim made by the applicant.

10. On the foregoing discussion we hold this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case we direct the parties to bear their own costs.

Ad. Dineshwar
VICE CHAIRMAN
6/11/1986

Ad. Dineshwar
E. No. 986
MEMBER (A)