

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 1-12-87

APPLICATION NOS. 656, 657, 793, /87 (F)
794 & 795
W.P.No.

APPLICANT

Vs

RESPONDENTS

Shri N. Muthuswamy & 4 Ors
To

The Chairman, Railway Board, New Delhi & 3 Ors

1. Shri N. Muthuswamy
Chief Travelling Ticket Inspector
Flying Squad
Southern Railway
C/o C.C.S., Park Town
Madras - 3
2. Shri N. Sundararajan
Chief Travelling Ticket Inspector
(Sleeper)
Madras Egmore Railway Station
Madras
3. Shri R. Krishnan
4. Shri M. Gopal
5. Shri G. Dasaratharaman
(Sl Nos. 3 to 5 - C/o Shri M.S. Subbarayappa
Advocate
128, 5th Cross, 1st Block
Jayanagar
Bangalore - 560 011)
6. Shri K. Narasimha Murthy
Advocate
Queen's Corner
3, Queen's Road, Bangalore - 560 001

7. Shri M.S. Subbarayappa
Advocate
128, 5th Cross, 1st Block
Jayanagar
Bangalore - 560 011
8. The Chairman
Railway Board
Rail Bhavan
New Delhi - 110 001
9. The General Manager
Southern Railway HQ Office
Park Town
Madras - 3
10. The Divisional Railway Manager
Southern Railway
NGO Annexe, Behind HQ Office
Park Town, Madras - 3
11. The Divisional Railway Manager
Bangalore Division
City Railway Station
Bangalore City
12. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~

~~XXXXXX~~ passed by this Tribunal in the above said application
on 8-10-87.

RECEIVED 12 copies 2/12/87

Diary No. 1487/CA/87

Signed Date: 3/12/87

Encl: as above.

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

9/c

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

ORDER SHEET

Application No. 656, 657, 793 of 1987 (F)
794 & 795

Applicant

N. Muthuswamy & 4 Ors

V/a

Respondent

The Chairman, Railway Board & 3 Ors

Advocate for Applicant

K. Narasimhamurthy & M.S. Subbarayappa

Advocate for Respondent

M. Sreerangaiah

Date	Office Notes	Orders of Tribunal
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A.Nos. 656, 657, 793, 794 and 795
of 1987:

KSPVC/LHARM(A)

8.X.1987.

ORDER

In these applications made U/s 19 of the Administrative Tribunals Act, 1985, the applicants, who are posted at Madras for the time being, have sought for diverse reliefs, which are not maintainable before this Bench. Hence, the learned counsel for the applicants file memos praying for permission to withdraw these applications, with liberty reserved to them to file fresh applications before the appropriate Bench of this Tribunal. We grant our permission for the same.

We, therefore, dismiss A.No. 656, 657, 793, 794 and 795 of 1987 as withdrawn by the applicants, with liberty reserved to them to approach the appropriate Bench of this Tribunal. No costs.



- True copy -

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

[Signature]
VICE CHAIRMAN
dms.

[Signature]
MEMBER(A)
8/8/87

- True copy -

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BOA)
Indiranagar
Bangalore - 560 038

Dated : 13 APR 1988

APPLICATION NOS. 655, 791, 792 & 847 / 87(F)

W.P. NO. _____

Applicant

Respondent

Shri G.K. Srinivasa Rao & 3 Ors
To

V/s

The Chairman, Railway Board, New Delhi
& 3 Ors

1. Shri G.K. Srinivasa Rao
2. Shri R.P. Jeevaraj
3. Shri N. Karivaradan
4. Shri B.S. Vasudeva Rao

(Sl Nos. 1 to 4 -

C/o Shri M.S. Subbarayappa
Advocate
128, 5th Cross, 1st Block
Jayanagar
Bangalore - 560 011)

5. Shri M.S. Subbarayappa
Advocate
128, 5th Cross, 1st Block
Jayanagar
Bangalore - 560 011

6. The Chairman
Railway Board
Rail Bhavan
New Delhi - 110 001

7. The General Manager
Southern Railway Headquarters
Park Town
Madras - 600 003

8. The Divisional Railway Manager
Southern Railway
NGO Annexe, Behind HQ Office
Park Town
Madras - 600 003

9. The Divisional Railway Manager
Bangalore Division
City Railway Station
Bangalore City

10. Shri M. Sreerangeiah
Railway Advocate
3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAX~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application on 29-3-88.

Received copies for
all Applicants & C
Advocate

G.K. Srinivasa Rao
(G.K. Srinivasa Rao)
Applicant.

DEPUTY REGISTRAR
(JUDICIAL)

Encd. As above

14-4-88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE

DATED THE 29TH DAY OF MARCH, 1988.

Present

THE HON'BLE MR. JUSTICE K.S. PUTTASWAMY, VICE CHAIRMAN

THE HON'BLE SHRI L.H.A. REGO .. MEMBER(A)

APPLICATIONS NOS. 655, 791, 792 and 847 OF 1987(F)

1. G.K.Srinivasa Rao
S/o G.Krishna Rao,
C.T.T.I. Southern Railway,
Hindupur. .. Applicant in
Application No.655
of 1987.
2. R.P.Jeevaraj,
C.T.T.I.(Retd.)
Southern Railway
Bangalore,
R/at Railway colony,
Gokul Extention,
Bangalore. ... Applicant in Applica-
tion No.791 of 1987
3. N.Karivaradan,
C.T.T.I., Southern Railway,
Bangalore City. Applicant in
Application No.792
of 1987.
4. B.S.Vasudeva Rao
C.T.T.I. Gr.I
Bangalore City Rly.Station
Bangalore. .. Applicant in
Application No.847/87



(Applicants 2 and 3 have been impleaded vide Orders
on I.A.I, dated 11-9-1987; and Applicant-4
has been impleaded vide order Dated 8-10-87)

(Shri M.S.Subbarayappa, Advocate for Applicants)

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-vs.-

1. The Chairman
Railway Board,
Rail Bhavan,
New Delhi.
2. General Manager,
Southern Railway H.Q.
Office, Park Town,
Madras-3.
3. The Divisional Railway
Manager, Southern Railway,
NGO Annexe, Behind HQ Office,
Park Town, Madras-3.
4. Divisional Railway Manager
Bangalore Division,
City Railway Station,
Bangalore City.



.. Respondents
in all the
Applications.

(By Shri M.Sreerangaiah, Counsel for Respondents)

These applications coming on for hearing,
Honourable Shri L.H.A.Rego, Member(A) made the
following:

O r d e r

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O_r_d_e_r

In this application, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants(A) pray, that a direction be issued to the Respondent (R)-1 to rectify early, the Seniority List (SL), of the merged cadres of Ticket Collectors(TCs) and Travelling Ticket Examiners(TTEs), revised by him as on 1-1-1965, by his Letter dated 26-3-1987 (Annexure-D), with a further direction to promote all the applicants to the posts, from the dates on which their juniors were so promoted, along with consequential financial benefits.

2. Concisely stated, the facts material to the determination of the questions raised in these applications are as follows: The applicants were initially appointed as TTE 'B' Grade, in the Southern Railway. As there was a dispute in regard to their seniority, vis-a-vis, the TCs, they had filed Writ Petition No.21670 of 1980 in the High Court of Judicature, Karnataka, which eventually came to be transferred to this Tribunal, under Section 26 of the Administrative Tribunals Act, 1985 and was registered anew, as Application No.326 of 1986(T).
R.P.JIVARAJ & 11 ORS.-vs.- UNION OF INDIA & ORS⁷.

Prior to this, the High Court of Judicature, Karnataka, ^{had}, in Writ Petition No.516 of 1973(T.THIMMANNA & ORS. -vs.- THE CHAIRMAN, RLY.BOARD, NEW DELHI & ORS.) had

directed



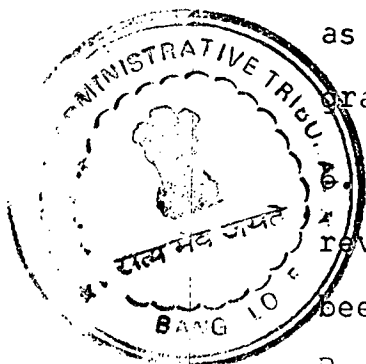


directed, that the petitioners who were TTEs 'B' Grade, be placed en bloc above all TCs, as on the date of merger of both these cadres. This decision was affirmed in appeal, in Writ Appeal No.545 of 1980, by the High Court of Karnataka.

4. In the aforesaid Application No.326 of 1986(T), this Tribunal had directed, that the seniority of the applicants be regulated in accordance with the decision of the High Court of Karnataka, in THIMMANNA's case, granting them all consequential benefits as directed in that judgment.

5. In compliance with these directions of the Tribunal, the Railway Administration revised the merged SL of TTEs 'B' Grade, in the pay scale of Rs.130-212(AS) and TCs, in the pay scale of Rs.110-180(AS), as notified by the Divisional Railway Manager, Madras, by his Letter dated 26-3-1987(Annexure-D). The applicants allege, that the respondents have intently excluded the names of some of the Senior TCs, viz., R 174 to 227, in the earlier aforementioned Application No.326 of 1986(T), as a cover-up, to show that the applicants have been granted the benefits due.

The applicants further allege, that even the revised SL, published on 26-3-1987(Annexure-D), has not been faithfully adhered to, by the respondents, in that, Rs 92, 114, 119, 121, 124, 125, 135, 136, 139, 142, 146 148 and 151 in the aforementioned Application No.326 of 1986(T), have been promoted to the higher grades, on

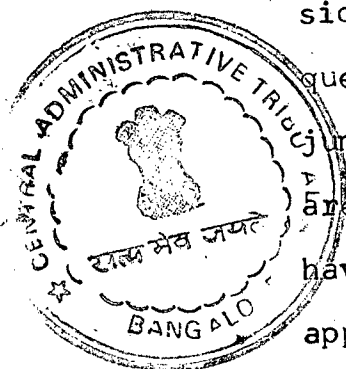


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24-9-1986 and 1-10-1986 and many other juniors too, who were appointed later than the applicants, in the lower grade as TCs, have been promoted to a grade higher than that held by the applicants, in gross violation of the direction of this Tribunal, in the said application.

7. Furthermore, the applicants complain, that the respondents have not granted them any consequential benefit to date, in accordance with the directions of this Tribunal, in the aforesaid Application No.326 of 1986(T) in regard to promotion, payment of arrears of salary, release of increments, and assigning of seniority in the higher cadres. This treatment they allege, is invidious and discriminatory, as similar benefits have been extended to Shri Thimmanna, the petitioner in Writ Petition No.516 of 1973 and to several other TTEs 'B' Grade, who were junior to the applicants, who had not approached this Tribunal, for relief.

8. It is further alleged, that in respect of A-1, who has since been transferred to Bangalore (SBE) Division, the SL has not yet been revised and that consequently, a large complement of TCs, who are actually junior to A-1, are being treated as senior to him and are drawing higher salary. Certain juniors are said to have been promoted, prejudicial to the interest of the applicants, as late as on 7-3-1987(Annexure-E) and 30-4-1987 (Annexure-F), in violation of the directions of this Tribunal, in the aforesaid Application No.326 of 1986(T).



9. The applicants had filed a Civil Contempt Application No.16 of 1987 (Annexure-G), before this Tribunal, for not complying with the directions of this Tribunal, in the said Application No.326 of 1986(T), but the same was withdrawn with liberty to file a fresh application; hence these applications.

10. Before we examine the rival contentions, it is necessary to have a clear picture, of the implications of the merger of the cadres of the Station Staff (Ticket Checking Staff) and the Line Staff (Ticket - Collecting Staff), with effect from 1-1-1963.

11. The following is a comparative diagrammatic chart, showing in juxtaposition, the channel of promotion in the cadres of the Station Staff (Ticket Checking Staff) and the Line Staff (Ticket Collecting Staff) prior to merger, with effect from 1-1-1965 and thereafter:

A. PRIOR TO MERGER

STATION STAFF

Ticket Collector(TC)
(Gr. Rs.110-180)

Senior Ticket Collector(STC)
(Gr. Rs.150-240)

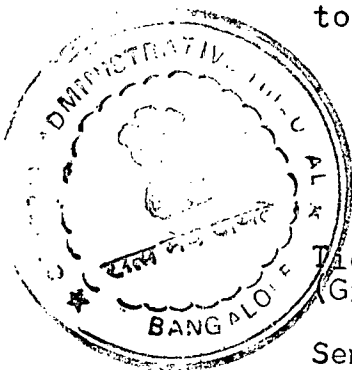
Head Ticket Collector(HTC)
(Gr. Rs. 250-380).

LINE STAFF

Travelling Ticket Examiner 'B'
(TTE 'B'), (Gr.Rs.130-212)

Travelling Ticket Examiner 'A'
(TTE 'A') (Gr.Rs.150-240)

Travelling Ticket Inspector
(TTI) (Gr. Rs.250-380)



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B. AFTER MERGER

Duty	Post	Grade.
(1)	(2)	(3)
Station	TC	110-180
Line	TTE 'B'	130-212
Station	STC	150-240
Line	TTE 'A'	150-240
Station	HTC	250-380
Line	TTI	250-380

12. The pay scales of the above grades, were revised as under, with effect from 1-1-1973, pursuant to the recommendations of the III and IV Central Pay Commission (CPC):

Original Scale	Revised Scale according to	
(Rs.)	III CPC	IV CPC
(1)	(2)	(3)
110-180	260-400	950-1500
130-212	330-560	1200-2040
150-240	330-560	1200-2040
250-380	425-640	1400-2300



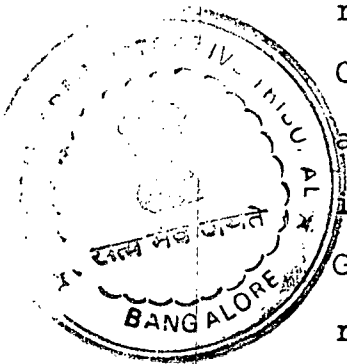
Prior to merger, the Station and Line Staff, were virtually in water-tight compartments, except that at the initial stage, a TC in the Station Staff, could opt for the intermediate post of TTE 'B' in the Line Staff, before returning to his parent stream in

Sl

the

Station Staff, at the post of STC and progressing onwards in that stream. Consequent to merger of the Station and Line Staff, with effect from 1-1-1965, the channel of promotion was alternated between Station and Line Duty, in a common stream.

14. Shri M.S.Subbarayappa, learned Counsel for the applicants, referring to the revised SL at Annexure-D, drawn up by R-3 and to the book of additional material (containing pages 1 to 44, a copy of which was furnished by him to Shri M.Sreerangaiah, learned Counsel for the respondents, which hereinafter would be referred to as the 'Book'), contended, that the respondents had not faithfully complied with the directions of the High Court of Judicature, Karnataka, in Writ Petition No.516 of 1973 (affirmed by a Division Bench in Writ Appeal No.545 of 1980) and of this Tribunal in Application No.326 of 1986(T), in placing the TCs, en bloc, below the TTEs 'B' Grade, as on 1-1-1965 and as a result, injustice was caused to the applicants. In this connection, he referred to the instructions issued by the Chief Personnel Officer, Southern Railway, Madras on 3-10-1980 (Pages 39 and 40 of the Book) and on 25-4-1981 (page 41 ibid) regarding determination of the seniority of TCs and TTEs 'B' Grade, consequent to the merger of these two cadres, with retrospective effect from 1-1-1965 and alleged, that these instructions were not properly complied with and that as a result, the applicants were denied the benefit of the judgment in the cases referred to above.



He

15. He called in aid, the judgment of the Madras Bench of the Central Administrative Tribunal delivered on 14-11-1986, in Application No.141 of 1986 [K.RAMAN v. THE CHIEF PERSONNEL OFFICER, SOUTHERN RAILWAY, MADRAS & ANR.] which he said applied squarely to the applications before us, the facts and circumstances being alike (vide pages 35 to 38 of the Book).

16. He referred in particular, to R-92, 176 and 204, in Application No.326 of 1986(T) [Sarvashri R.S. Ananth Krishnan, S.G.Dayamurthy and M.I.Kannan, respectively), who were junior to A-1, but had stolen a march in seniority over him. He alleged, that the respondents had intently omitted the names of the said R-176 and 204, from the revised SL at Annexure-D, to the detriment of A-1.

17. Shri M.Sreerangaiah, learned Counsel for the respondents, raised at the outset, a preliminary objection, that the applicants had not impleaded their alleged juniors, over whom they had claimed seniority. He asserted, that they were necessary and proper parties and therefore, the applications before us, suffered from the defect of non-joinder of necessary parties, on which ground alone, they were liable to be dismissed.

18. He submitted, that the applicants have been restored to their proper seniority, according to the SL, revised as at Annexure-D, in faithful compliance of the directions of this Tribunal, in the aforementioned



Application No.326 of 1986(T). He further clarified, that R 174 to 227, in the earlier aforementioned Application No. 326 of 1986(T), were excluded from this revised SL, since they were already promoted to the next grade of STC, in the pay scale of Rs.150-240(AS), which was higher than that of TTE 'B' Grade viz., Rs.130-212(AS). Amplifying further, he said, the revised SL pertained to the merged cadres of TTEs 'B' Grade [in the pay scale of Rs.130-212(AS)] and of TCS [in the pay scale of Rs.110-180(AS)] only and not to an extraneous cadre viz., that of STC [in the pay scale of Rs.150-240(AS)]7.

19. He stated, that a revised SL has also been drawn up accordingly, in respect of the staff in Bangalore (SBE) Division, to which the applicants were allocated from Madras Division. He affirmed, that the concerned promotees, referred to in Annexures E and F, were all senior to the applicants.

20. The applicants he said, were given the benefit of proforma promotion and consequential benefit according to Annexure-I, dated 24-2-1988.

21. The arguments were concluded on 17-3-1988 and the judgment was reserved, which was to be pronounced on 29-3-1988. In the meanwhile, on 23-3-1988, the applicant filed a Memo and written arguments, stating that the respondent had not produced certain relevant material and therefore requested that the matter be heard further. Accordingly, the case was fixed for further hearing on 25-3-1988, and then both parties were heard in the context of the aforesaid memo of the applicant and the material placed before us.

22. We have examined carefully, the rival pleadings and the material placed before us. To begin with, we shall deal with the preliminary objection raised by Shri Sreerangaiah, about non-joinder of necessary parties.

CR

We

We are of the view, that this objection does not survive, as on close scrutiny, we notice, that the seniority assigned to the applicants in the revised SL, according to Annexure-D, was correct and proper, as would be evident from the ensuing discussion of this case. We, therefore, overrule this preliminary objection by Shri Sreerangaiah.

23. The pivotal issue that needs to be resolved is, whether as on 1-1-1965, when the cadres of TCs and TTEs 'B' Grade were merged into one, in a revised common SL, any person who was a TC on that date, had been placed above any of the applicants [who on that date were holding the post of TTE 'B' Grade] contrary to the decision of the High Court of Judicature, Karnataka, in W.P.No.516 of 1973 (T.THIMMANNA & ORS. v. THE CHAIRMAN, RLY.BOARD, NEW DELHI & ORS.), affirmed in Writ Appeal No.545 of 1980 and reiterated by this Tribunal in Application No.326 of 1986(T) (R.P.JIVARAJ & 11 ORS. vs. U.O.I. & ORS.). We have minutely scrutinised the revised SL at Annexure-D, and are satisfied that the respondents have not violated the directions, in the above cases. We have not noticed any case, where a person who was a T.C. as on 1-1-1965, has superseded any of the applicants, who were TTEs 'B' Grade as on that date. We are also satisfied, that the proforma promotion granted and the resultant pay fixed, by the Divisional Personnel Officer, Bangalore, by his Office Order dated 24-2-1988 (Annexure-I), consequent to the revision of the SL as



12

above

above, in the pay scale of Rs.425-640(revised according to the recommendations of the III CPC) and the pay fixation thereafter, on subsequent promotion, are in keeping with the directions of this Tribunal, in the aforesaid Application No.326 of 1986(T) and therefore ^{is} ^{are} in order.

24. Sarvashri Dayamurthy and M.I.Kannan(R 176 and 204, in Application No.326 of 1986(T) respectively), referred to by Shri Subbarayappa, were promoted as STC [in the pay scale of Rs.150-200(AS)] on 1-4-1956 and as such, their names could not have appeared in the revised SL at Annexure-D, which pertained to the cadres of only TC and TTE 'B' Grade. Besides, the cadre of STC, is higher in pay scale viz., Rs.150-240(AS), than that of TTE 'B' Grade, the pay scale of which is Rs.130-212. The applicant cannot therefore claim seniority over these two persons. Besides, this point has not been specifically urged in the applications.

25. Shri R.S.Ananthakrishnan, has been shown as junior to the applicants, in the revised SL at Annexure-D, and as such, the applicants can have no grievance against him.

26. The judgment dated 14-11-1986 in Application No.141 of 1986 (K.RAMAN v. CHIEF PERSONNEL OFFICER, SOUTHERN RAILWAY, MADRAS & ANR.) by the Madras Bench



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of

of the Central Administrative Tribunal, relied upon by Shri Subbarayappa, is not relevant to this case, the facts and circumstances being different.

27. In fine, we find that the applications are bereft of merit and are liable to be dismissed. We therefore dismiss the same, with however no order as to costs.

Sd/-

(K.S. PUTTASWAMY) *Dr 9/7/88*
VICE CHAIRMAN

Sd/-

(L.H.A. REGO) *29.3.88*
MEMBER (A)

TRUE COPY



[Signature]
DEPUTY REGISTRAR (JDL) *13/7*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE