

## WHEEL AND AXLE PLANT

Annexure 'N' 3

NO.WAP/PM-48/917

GENERAL MANAGER'S OFFICE  
(Personnel Branch)  
Yelahanka, Bangalore-64

Dated: 16 -4-1993.

CME (W), CME (A), DY.CEE  
All SEEs, Dy.CVO, Sr.EDPM,  
SSA, SME (HQ) and SS/Training (TTC)/WAP/YNK.

Sub: Formation of a panel for the post of Asst. Electrical Engineer  
in scale Rs. 2000-3500/- (RPS) of Ele. department against 70% quota.

Ref: This office notifications No.WAP/PM-48/917 of 8.2.93 and 15.4.93.

.....

The written test in connection with the above will be held on  
30.4.1993 (Friday) at 10.00 Hrs. in the Technical Training Centre/WAP.

The undermentioned candidates who have expressed willingness and  
are in the field of eligibility may kindly be directed to appear in  
the written test accordingly duly obtaining their signatures in token  
for having noted the same.

<u>Sl.No.</u>	<u>Name (S/Shri)</u>	<u>Designation</u>
1.	M. Ammiraju	AEE/Adhoc
2.	E.V. Ramaiah	AEE/Adhoc
3.	S. Nagaraj	SS (TTC)
4.	P.S. Thammanna	AEE/Adhoc
5.	G. Viswanathan	SS/Adhoc
6.	R.N. Pranesh Rao	SS
7.	T.G. Ramesh	SS
8.	Satish H. Borkar (SC)	SS (Adhoc)/On deputation to KRC
9.	Dinesh Singh	SS (Adhoc)
10.	K.R. Ravikumar	SS (Adhoc)
11.	R. Vaidyanathan	SS (Adhoc)
12.	V.T. Thomas Kunju	Dy.SS

The candidates are required to be present at the venue of the  
examination by 9.45 Hrs. positively.

*[Signature]*  
for CHIEF PERSONNEL OFFICER

Copy forwarded for information to:

CME/WAP/YNK

SS/Training (Tech. Training Centre)/WAP/YNK. He may please arrange for  
seating accommodation at the Technical Training Centre/WAP/YNK for  
conducting the written examination.

Notice Boards,

Staff concerned.

*Thulapu*  
S

*[Signature]*  
for CHIEF PERSONNEL OFFICER

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

DATED THIS THE 16TH DAY OF JUNE, 1993

PRESENT

HON'BLE MR. JUSTICE P.K. SHYAMSUNDAR ... VICE CHAIRMAN

HON'BLE MR. V. RAMAKRISHNAN ... MEMBER (A)

APPLICATION Nos. 464/92 & 298/93

1. Shri P.S. Thammanna,  
S/o. P. Sivaramaiah,  
Asst. Electrical Engineer,  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.  
(Applicant in O.A.464/92)
2. Sri R.W. Pranesha Rao  
S/o. R. Narayana Rao,  
Shop Superintendent (Elcl),  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.  
(Applicant in O.A.298/93). ... Applicants

(Shri S.M. Babu ... Advocate)

Vs.

1. The Railway Board,  
Rail Bhavan, New Delhi,  
rep. by its Secretary (Establishment).
2. The General Manager,  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.
3. The Director General,  
P.O.S.O., Manak Nagar P.O.,  
Lucknow-11.
4. S. Nagaraj,  
Shop Superintendent/Training (STS)  
Wheesi & Axle Plant,  
Yelahanka, Bangalore-64.
5. E.V. Ramaiah,  
Asst. Electrical Engineer,  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.  
(4 & 5 - Rs. in O.A.464/92)
6. G. Viswanathan,  
Shop Superintendent (Elcl. Adhoc),  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64. ... Respondents

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

This application, having come up before this Tribunal

today for orders, Hon'ble Mr. Justice P.K. Shyamsundar, Vice Chairman, made the following:

O R D E R

In filing the applications, the applicants are aggrieved by the refusal to grant reckoned seniority to them from the date of proforma promotion accorded as per Annexure 'B' which reads:

"However the benefit of proforma fixation effective from 1.1.84 will entitle the staff for any seniority w.e.f. 1.1.84."

2. Having heard Shri Babu for the applicants and the learned standing counsel Shri A.N. Venugopal for the Railways and Shri M.V.Rao for Respondents No.4 & 5, it transpires that the applicants although are largely satisfied with Annexure 'B' express their strong dissatisfaction with the manner in which it ended up by denying them seniority with effect from 1.1.84 denying thereby monetary benefits for their dues.
3. It is argued and there appears to be no dispute in regard to R.D.S.O. who are also in the mother organisation to which the applicants are attached, viz., the Wheel & Axle Plant, Employees drawn from other railway zones were not merely given the benefit of proforma promotion from 1.1.84, they were also accorded seniority from that date.
4. The grievance of the applicants is that there was very little reason for the Railways to have not followed the treatment meted out to other colleagues in the same unit and thus causes disparity and divergence in the treatment extended to them vis-a-vis in the fixation of seniority. We were also somewhat hardpressed to understand the mechanism adopted in the exercise done in passing the order Annexure 'B' refusing to reckon the seniority of the

7. We need hardly reiterate that there cannot be variant treatment of people who are equally positioned. Once all these persons got into the Wheel & Axle Plant and a decision is taken to give them proforma promotion with effect from 1.1.84 it was most improper on the part of the Railways to grant the benefit of seniority to a batch of persons promoted with effect from 1.1.84 while denying such benefit of seniority to the other set of people like the applicants. In this conduct of the Railways, discrimination is let large and therefore we cannot countenance the same. We are happy to note that we are not alone in adopting this line of reasoning. In an earlier case, a bench of this Tribunal while disposing off application No.837, 840 and 841/87 dated 8.12.1988 dealing with a similar situation declined to accept the stand point of the Department as aforesaid and directed them to refix the seniority of the applicants therein in the gradation list with effect from 27.5.1985 which subsequently, we are told, was changed to 1.1.84. We are in agreement with the decisions of the Tribunal which reinforces some of our own views expressed herein. Therefore, it is we allow these applications in part and quash the underlined portion in Annexure 'B' and consequently direct the respondents Railways to refix the seniority of the applicants with effect from 1.1.84. The direction for refixation of seniority should be complied within three months from the date of receipt of a copy of this order. No costs.

**TRUE COPY**

Sd-

*Dex*

16/6/87

*Boan*

*29/6/87*

Sd-

*VICE CHAIRMAN*

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

psp.

from 1.1.84 after granting them proforma promotion from that date which benefit was admittedly extended to other persons brought into the Wheel & Axle Plant just like the applicants.

5. Obviously to decipher the basis for adopting different stand points in this matter, we first looked into the objections filed on behalf of the Railways in this case. But, the objection statement leaves it as vague as it can be. Reference is made in clause 7 of the objections in which it is stated that granting of seniority with effect from 1.1.84 would cause serious administrative problems and would result in litigation amongst the officers who might have entered the higher grades in the course of a 6 year period from 1984 to 1990, in tune with the normal seniority by extending the benefits granted to R.D.S.O. staff w.e.f. 1.1.84 on proforma basis. We asked Shri A.N. Venugopal, the learned standing counsel as to what exactly the Railways were suggesting in making the above assertion to justify deemed grant of seniority with effect from 1.1.84. Shri A.N. Venugopal simply reiterated what was stated in the objection statement.

6. Having regard to the objections referred to supra, we think that there appears to be no ~~discrepancy~~ reason or otherwise on the basis of which a decision to deny entitlement of seniority from the date from which their promotions were marked. What is more aggravating is the fact that it is only with regard to these two persons who came into the Wheel & Axle Plant from the Research and Development Department of the Railways, the aforesaid stand referred to herein has been adopted while in regard to others, the Dept. had been more generous and liberal.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated: 29 JUN 1993

APPLICATION NO(s).

454/8298/93

Applicant(s)

P.S. Thammanna

8/92

Respondent(s)

Santhi vs Railway Board  
& others

Mr. V. S. M. Balu  
19/6/93

1. P.S. Thammanna, Asstt Electrical Engineer  
wheel & Axle plant Yelahanka, Bangalore-64.
2. R.N. Praneshwar Rao, Shop Superintendent  
(Ecel) wheel and Axle Plant  
Yelahanka Bangalore-64.
3. The Railway Board, Rail Bhawan,  
New Delhi by its Secretary Establishment
4. The General Manager, wheel & Axle  
Plant Yelahanka, Bangalore-64.
5. The Director General RDSC,  
Manak Nagar, P.O. Lucknow-11.
6. Sri S. M. Balu, Advocate, 242  
V Main Gandhi Nagar Bangalore-9.
7. Sri A.N. Venugopal, Advocate
8. R.V. Rao, & pp Bangalore  
Hospital Bangalore.

**SUBJECT:-** Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore Bench  
Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY/INTERIM ORDER passed by this Tribunal in the above said  
application(s) on 16.6.93.

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1/e

for

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

DATED THIS THE 16TH DAY OF JUNE, 1993

PRESENT

HON'BLE MR. JUSTICE P.K. SHYAMSUNDAR ... VICE CHAIRMAN

HON'BLE MR. V. RAMAKRISHNAN ... MEMBER (A)

APPLICATION Nos. 464/92 & 298/93

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2. Sri P.N. Pranesh Rao  
S/o. R. Narayana Rao,  
Shop Superintendent (Elcl),  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.  
(Applicant in O.A.298/93). ... Applicants

(Shri S.M. Babu ... Advocate)

Vs.

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rep. by its Secretary (Establishment).
2. The General Manager,  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.
3. The Director General,  
P.D.S.O., Manak Nagar P.O.,  
Lucknow-11.
4. S. Nagaraj,  
Shop Superintendent/Training (ETS)  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.
5. E.V. Ramaiah,  
Asst. Electrical Engineer,  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64.  
(4 & 5 - Rs. in O.A.464/92)
6. G. Viswanathan,  
Shop Superintendent (Elcl. Adhoc),  
Wheel & Axle Plant,  
Yelahanka, Bangalore-64. ... Respondents

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

This application, having come up before this Tribunal

today for orders, Hon'ble Mr. Justice P.K. Shyamsundar, Vice Chairman, made the following:

ORDER

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TRUE COPY

Sd-

Dex 16/6/77  
MEMBER (A)

Sd-

16/6/77  
VICE CHAIRMAN  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

psp.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560038.

Dated: 6 SEP 1993

Miscellaneous Application No.320 of 1993. in

APPLICATION NO(S) 298 of 1993.

APPLICANTS: R.N.Pranesha Rao

RESPONDENTS: Secretary, Railway Board,  
Rail Bhawan, New Delhi & Others.

TO.

1. Sri.R.N.Pranesha Rao, S/o.R.Narayana Rao,  
Shop Superintendent (Electrical), Wheel &  
Axle Plant, Yelahanka, Bangalore-64.
2. Sri.S.M.Babu, No.242, Kanakamandiram, Fifth Main Road,  
Gandhinagar, Bangalore-9.
3. Sri.A.N.Venugopala Gowda, Advocate, No.8/2, R.V.Road,  
Upstairs, Opp: Bangalore Hospital, Bangalore.
4. General Manager, Wheel & Axle Plant, Yelahanka, Bangalore-64.

Subject:- Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the  
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the  
above said application(s) on 25th August, 1993.

*for M. Basu*  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

6/9/93

gm\*

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

A.No.298 OF 1993

Application No.....of 199

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p><u>(PKS)VC/(VR)M(A)</u></p> <p>AUGUST 25,1993.</p> <p><u>ORDER ON M.A.NO. 320 OF 1993</u></p> <p>We quite see the obvious error in the order formulated by us while disposing off the main application on 16-6-1993. There should have been a direction to count the seniority of the applicant with effect from 5-11-1984 <del>as</del> and that would in terms of the prayer made in the application. In view of our order the seniority of the applicant <del>is</del> <sup>is</sup> <del>last</del> should be counted from 1-1-1984, quite clearly it is wrong and is an obvious error. We, therefore allow M.A.No.320 of 1993 and direct the correction of the date 1-1-1984 appearing in the order as 5-11-1984 with reference to the applicant in A.No.298 of 1993. Let the correction be made in the original order. Copies of the order, if issued, should be recalled and correction made</p>



Date	Office Notes	Orders of Tribunal
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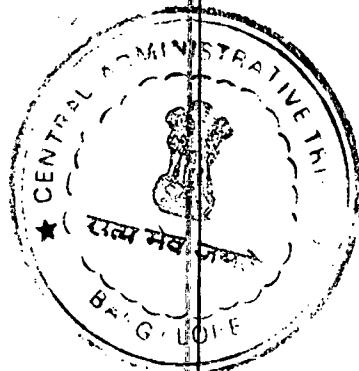
accordingly.

Sd-

MEMBER(A)

Sd-

VICE-CHAIRMAN.



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*R. Alu S*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
6/9/83