

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 8 OCT 1993

APPLICATION NO(S) 83 of 1993.

APPLICANTS: S.M.Musuf and Other RESPONDENTS: Chief Workshop Manager,
South Central Railway, Hubli & others.

TO.

1. Dr.M.S.Nagaraja,
Advocate, No.11,
Second Floor, First Cross,
Sujatha Complex,
Gandhinagar, Bangalore-9.
2. Chief Workshop Manager,
South Central Railway,
Hubli.
3. Sri.N.S.Prasad,
Advocate, No.242,
Fifth Main,
Gandhinagar,
Bangalore-9.

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 30th September, 1993.

M. J. S.
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

8/10/93

Issued
*gm**

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE THIRTIETH DAY OF SEPTEMBER 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice-Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.83/93

1. Sri S.M. Yusuf,
Aged 38 years,
S/o Sri Syed Madarsab
22, Syed Fatehshah Wali Nagar,
Near Lokur Dyavamma Temple,
Old Hubli, Hubli-580 024.
2. Sri Meghanathan,
Aged 39 years,
S/o Sri A. Chitravelu,
1305/L, Railway Quarters,
Keshavapur, Hubli-580023.

...Applicants

[Dr. M.S. Nagaraja ... Advocate]

v.

1. The Chief Workshop Manager,
South Central Railway Workshop,
Hubli.
2. the Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
3. The Secretary,
Railway Board,
Rail Bhavan,
New Delhi.
4. Union of India,
represented by
Secretary to Govt.,
Ministry of Transport,
New Delhi.
5. Sri Aminuddin Mulla,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
6. Sri S. Krishnamurthy,

Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.



7. Sri M.L. Waghmore,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
8. Sri E. Buniyam,

Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
9. Sri R.A. Lazarus,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
10. Sri G.B. Subbanna,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
11. Sri S.J. Shenulokar,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
12. Sri G.R. Gunari,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
13. Sri V. Sudalimuthu,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
14. Sri K. Karikalan,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.
15. Sri S.A. Bhaskar,
Deputy Shop Superintendent,
South Central Railway Workshop,
Hubli.

... Respondents

[Shri N.S. Prasad ... Advocate]

This application having come up for hearing before this Tribunal today, Hon'ble Shri V. Ramakrishnan, Member [A], made the following:

ORDER

1. The applicants are aggrieved at their position in the combined gradation list at the level of Deputy Shop Superintendents

in the Hubli Railway Workshop where they are shown at the bottom at S.No.15 and 16 as at Annexure R-1. The main argument in support of their case as brought out by their learned counsel Dr.M.S. Nagaraja is that they are empanelled in the grade of Deputy Shop Supdt. in December 1983 which panel was approved by the competent authority on 19.12.1983 whereas respondents whose names figure at 5 to 14 in the list at Annexure R-1 ^{were} approved at a subsequent selection. Dr. Nagaraja contended that in terms of Rule 306 of the Indian Railway Establishment Manual Volume I and also the instructions of the Railway Board dated 1.5.1984 the applicants should have been shown as senior to the respondents whose selection to the higher post took place on a subsequent date. The contention of Shri Prasad, the learned counsel for the Railways is that the post to which the applicants have been appointed are ex-cadre posts in respect of all shops pertaining to Hubli shop and that Annexure R-1 is not a regular seniority list and that it has no adverse effect on the applicants seniority in their own unit and that Annexure R-1 has been correctly prepared. Shri Prasad also drew our attention to Rule 320 of Indian Railway Establishment Manual Volume I which provides as follows:

"320.RELATIVE SENIORITY OF EMPLOYEES IN AN INTERMEDIATE GRADE BELONGING TO DIFFERENT SENIORITY UNITS APPEARING FOR A SELECTION/NON SELECTION POST IN HIGHER GRADE

When a post [selection as well as non-selection] is filled by considering staff of different seniority units, the total length of continuous service in the same or equivalent grade held by the employees shall be the determining factor for assigning inter-seniority irrespective of the date of confirmation of an employees with lesser length of continuous service as compared to another unconfirmed employee with longer length of continuous service. This is subject to the proviso that only non-fortuitous service should be taken into account for this purpose."



He has indicated that the applicants along with the respondents 5 to 15 were ^{first} appointed to the level of Deputy Shop Supdt. on 1.1.1984 and further the respondents who figure in positions

5 to 14 of Annexure R-1 had been appointed to the immediate lower level viz., Chargeman A from an earlier date as compared to applicants and accordingly under Rule 320 their position has been rightly indicated in Annexure R-1.

2. The applicants have represented to the Railways ventilating their grievance and they have been informed at Annexure A-6 dated 24.7.1992 and A-7 dated 10.1.1990 that the benefit of their empanelment on 19.12.1983 is given to them in the Carriage shop. In other words, when they secure their regular promotion their seniority will be on the basis of their empanelment in December 1983. ^{Shri Prasad Subramanian} ~~The~~ list which has been shown at Annexure R-1 is entirely for appointment to higher ex-cadre post and that it will have no adverse impact on the applicants in respect of their regular promotion in their units. We make a note of the submissions of Shri Prasad as also the position brought out in Annexure A-6 and A-7. This position has also been clarified in para 4 at page 2 of the reply statement.

3. In the light of this position we hold that the applicants ^{needing} at present have no real grievance ~~seeking~~ redressal. The application is accordingly dismissed. No costs.



Sch

MEMBER [A]

Sch

VICE CHAIRMAN

TRUE COPY

bsv

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

8/10/93