

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

O.A.No. 300 of 1987

Date of Order: 6-2-1990

Between:-

- 1.B.Venkat Swamy
- 2.B.Krishna Swamy
- 3.Abdul Rasheed

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Applicants

and

1. Union of India, represented by its Secretary, Ministry of Railways, New Delhi-1.
2. The Divisional Railway Manager (Personnel), Broad Gauge, South Central Railways, Secunderabad.
3. The Divisional Mechanical Engineer (Broad Gauge), South Central Railway, Secunderabad.
4. Sk.John Mohammed,
5. Uppalaiah
6. K.Charles
7. Sk.Ramzan Ali

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Respondents

Appearance:

For the Applicants : Shri M.Vijaya Prakash, Advocate.

For the Respondents
1 to 3 : Shri N.R.Devaraj, Standing Counsel
for Railways.

For the Respondents
4 to 7 : --

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(JUDGEMENT DELIVERED BY HON'BLE SHRI B.N.JAYASIMHA,)
VICE - CHAIRMAN.

1. This is an application filed by three employees of South Central Railway, Dornakal Railway Station, Warangal District, working as Firemen-C, questioning the order

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No.CP/563/P/11/II-Fireman, dated 23-10-1986 issued by the Divisional Railway Manager (Personnel), Broad Gauge, South Central Railway, Secunderabad.

2. The applicants state that they were appointed as Yard Khalasis on 1-8-1974, 12-8-1974 and 11-8-1974. whereas respondents 4 to 7 were appointed as Yard Khalasis on 11-12-1974. All the applicants were promoted as Firemen-C in the month of June 1982 while the respondents 4 to 7 were promoted as Firemen-C in the years 1985 and 1986. The applicants state that they are seniors to respondents 4 to 7 both in the categories of Yard Khalasis as well as Firemen-C. Respondents filed a Writ Petition No.6319 of 1982 in the High Court of Andhra Pradesh to prepare and publish the final seniority list by determining the seniority of petitioners therein calculating their service from the date of their first appointment in the Railways or in the alternative the seniority of petitioners therein may be fixed calculating their service from the time they attained the temporary status and further set aside the proceedings of the 2nd respondent dated 1-6-1982 and 4-8-1982. The applicants herein were not made parties to the Writ Petitions. In pursuance of the judgement of the High Court in the Writ Petitions, the respondents 2 and 3 prepared the seniority list. The respondents did not issue any notice before preparing the seniority list to the applicants and therefore it is violative of principles of natural justice. The applicants are senior to respondents 4 to 7 and made several representations to the respondents for interpolating their names at suitable places. However, the administration has not remedied the injustices caused to the applicants. Hence they have filed this O.A.

for

: 3 :

3. We have heard Shri M.Vijayaprakash, learned Counsel for the applicants, and Shri N.R.Devaraj, learned Standing Counsel for Railways, on behalf of the respondents.

4. The facts of the instant case are similar to that in O.A.No.174 of 1987 which was dismissed on 30-1-1990 by this Tribunal. For the reasons given by this Tribunal in the said O.A.174 of 1987, we do not find any merit in this case and it is accordingly dismissed. No costs.

B.N. Jayasimha
(B.N.JAYASIMHA)

D. Surya Rao
(D.SURYA RAO)

Date: 6th Feb., 1990.

Surya Rao 15/2/90
Deputy Registrar (Judl)

To

1. The Secretary, Union of India, Ministry of Railways,
New Delhi-1.
nsf
2. The Divisional Railway Manager (personnel) Broadguage,
S.C.Rly, Secunderabad.
3. The Divisional Mechanical Engineer (Broadgauge) S.C.Rly, Sec'bad.
4. One copy to Mr. Vijaya Prakash, Advocate
1-8-423, Chikkadapally, Hyderabad-29.
5. One copy to Mr. N.R.Devraj, SC for Rlys, CAT.Hyd.Bench.
6. One copy spage.

pvm