

(59)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A.NO. 299 of 1987

Date of Order: 01/02/1990

Gattaiah and 5 others .....Applicants

Versus

Secretary, Ministry of Railways,  
New Delhi and 9 others

.....Respondents

For Applicants: Mr.M.Vijaya Prakash, Advocate:

For Respondents Mr.N.R.Devaraj, SC for Railways.  
1 to 4:

For Respondents Mr.P.Krishna Reddy, Advocate  
5 to 8:

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C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI J.N.MURTHY: MEMBER(JUDICIAL)

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(Judgment delivered by Hon'ble Shri B.N.Jayasimha,  
Vice Chairman)

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1. This is an application filed by six employees of South Central Railway, Kazipet Railway Station, Warangal District, working as Fireman 'C', questioning the order No.CP/563/P/11/II-Fireman, dated 23-10-1986, issued by the Divisional Railway Manager (Personnel) Broad guage, South Central Railway, Secunderabad.

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2. The applicants state that they were appointed as Casual Labourers in the years 1957, 1973, 1974, 1973 and 1968 respectively. Later on they were appointed as Yard Khalasis on permanent basis in the years 1957, 1972, 1973 and 1974. Respondents 4 to 10 were appointed in the year 1974, 1973 and 1971 respectively. They were appointed as Yard Khalasis in the year 1980, 1974, 1973 and 1971.

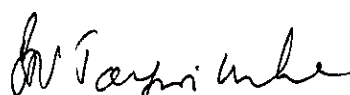
1 to 5  
The applicants/were promoted as Fireman 'C' in the month of January, February, 1981 and the 6th applicant was promoted as II Fireman on 14-1-1980 and later on as Fireman B on 20-8-1986. Whereas, the respondents 4 to 10 were promoted as Fireman 'C' in the years 1986 and 1985. The applicants state that they are much more seniors to respondents 4 to 10 in all respects. Respondents filed Writ Petition No.6319/82 in the Hon'ble High Court of AP against the promotion orders dated 1-6-1982 and 4-8-1982. The applicants were not made parties to the Writ Petition. The Hon'ble Court allowed the said Writ Petition on 24-4-1985. In pursuance to the Judgment of the Hon'ble Court in the said Writ Petition, respondents 2 and 3 prepared a seniority list. The respondents did not issue any notice before preparing the seniority list to the applicant and therefore it is violative of natural justice. The applicants are far senior to Respondents 4 to 10 and they, therefore, submitted several representations to the respondents for interpolating their names at suitable places. However, the administration had not remedied the injustices caused to them. Hence, they have filed this application.

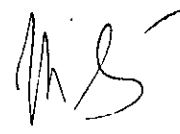
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3. We have heard the learned counsel for the applicants Shri M.Vijaya prakash and Shri P.Krishna Reddy for respondents 4 to 10, Shri N.R.Devaraj for the Department.


4. The facts of the instant case are similar to that O.A.No.174/1987 which we have dismissed on 30-1-1990. For the reasons given by us in the said OA i.e., O.A.No.174/87, we do not find any merit in this case and it is dismissed. No costs.

  
(B.N.JAYASIMHA)  
Vice Chairman

  
(J.N.MURTHY)  
Member (J)

Dated: 1st day of February, 1990.  
(Dictated in open court)

sqh/vcs.

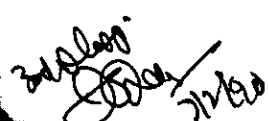
  
DEPUTY REGISTRAR(J)

8/2/90

TO:

1. The Secretary, (Union of India), Ministry of Railways, New Delhi-110 001.
2. The Divisional Railway Manager (Personnel) Broad Gauge, south central railway, Sec'bad.
3. One copy to Mr. M.Vijaya Prakash, Advocate, 1-8-423, Chikkadpally, Hyderabad. (Copy of OA.174/87 enclosed)
4. One copy to Mr. N.R.Devaraj, SC for Rlys., CAT, Hyderabad for RR 1 to 4. (Copy of O.A.No.174/87 enclosed)
5. One copy to Mr. P.Krishna Reddy, Advocate, 3-5-899, Himayatnagar, Hyderabad for RR 5 to 8. (copy of OA.No.174/87 enclosed)
6. One spare copy. ( enclosed)

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24/2/90