

IN THE HIGH COURT OF JUD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

Wednesday DAY THE *twenty ninth* DAY OF *April*  
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR. B. N. JAYA SIMHA: VICE-CHAIRMAN  
AND  
THE HON'BLE MR. D. SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. *310/87*

BETWEEN:-

1) B. Balakrishnan  
2) Dada Moses

3) A. Chandrasekaram  
4) K. L. Raghunan

.....APPLICANTS.

AND

1) Union of India, per General  
Manager, S. C. Rly, Rail Mlayan  
Sec. Board - AP.  
2) Deputy Chief Mechanical Engineer  
Wagon Workshop, S. C. Rly,  
Cuntapalli, Krishna district AP.

.....RESPONDENTS.

Application under Section 19 of the Administrative  
Tribunals Act, 1985, praying that in the circumstances stated  
therein the Tribunal will be pleased to 1) to issue an order  
or directions directing the respondents to reckon the  
seniority of the applicants in the post of charge-  
man "B" from the dates of their initial promotion  
to the said posts in the year 1980 and 1981 with all  
consequential benefits of further promotion to the  
next higher posts, 2) to declare the applicants are  
deemed to have been promoted to the next  
higher posts of charge-man "A" in the scale of pay  
of Rs. 550-750 (Rs) w.e.f 1-1-84 when their previous  
were promoted to the said posts with all consequential  
benefits including arrears of pay 3) to direct the respondent  
to prepare and publish the combined or common

COUNSEL FOR APPLICANTS : MR. G.RAMACHANDRA RAO

COUNSEL FOR RESPONDENTS: MR. P.VENKATARAMA REDDY, S.C.for Rlys

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ORDERS OF THE TRIBUNAL

The applicants in this case were promoted as Chargemen 'B' on ad hoc basis in the years 1980 and 1981. According to them, their seniority vis-a-vis that of direct recruits has not been finalised and published. In the mean time, the vacancies in the grade of Charge-men 'A' arose and persons who had been directly recruited ~~though joined~~ <sup>though they joined service</sup> as Chargemen 'B' subsequent to the applicants have been promoted by an order dated 11-6-1985. One of the applicants, viz. Mr. Balakrishna made representation on 29-7-1985 to the Dy.Chief Mechanical Engineer, WWS, Guntupalli to which no reply has been given by the Railways. He along with other applicants also ~~stated to~~ have submitted representations to the authorities. The applicants seek the following reliefs :

"9. In view of the facts mentioned in para 6 above, the applicants pray that this Hon'ble Tribunal be pleased :-

1. to issue an order or directions directing the respondents to reckon the seniority of the applicants in the post of Chargeman 'B' from the dates of their initial promotion to the said posts in the years 1980 and 1981 with all consequential benefits of further promotion to the next higher posts;

2. to declare the applicants are deemed to have been promoted to the next higher posts of Chargeman 'A' in the scale of pay of Rs.550-750(RS)

contd..2

with effect from 1-1-1984 when their juniors were promoted to the said posts with all consequential benefits including arrears of pay;

3. to direct the respondents to prepare and publish the combined or common seniority list of Chargeman 'B' of direct recruits and promotees duly reckoning the seniority of the applicants from the dates of their initial promotion to the posts of Chargeman 'B' against regular vacancies.

2. We have heard the Learned Counsel for the Applicant and Mr. P. Venkatarama Reddy, Standing Counsel for the Railways. <sup>The main contention raised</sup> ~~The following main points have been~~ raised by the Learned Counsel for the Applicant ~~was~~ :-

(1) The chargeman 'B' posts have to be filled by direct recruits (50%), by promotees (25%) and by intermediate apprentice mechanics (25%). The filling up of posts by direct recruitment was delayed and ad hoc promotions were made without following the above quota-system and such filling up of posts by promotion went on. When the direct recruits were recruited, the promotees had been working as Chargemen 'B' on ad hoc basis for quite a long period. However, when promotions to the posts of Chargeman 'A' were made, direct recruits alone were considered for promotion. The applicants contend that their seniority should be reckoned from the date they were promoted on ad hoc basis.

contd..3

It is seen that the applicants are contesting the promotions made on the ground that a proper seniority list has not been prepared and that they have not been given opportunity to represent against that seniority list. The applicants' representations also have not been disposed of. The relief sought for can be met by directing the respondents to publish the seniority list after giving the applicants opportunity to represent in the matter.

We, therefore, direct the Respondents to publish the seniority of Chargemen 'B' grade and give an opportunity to all concerned <sup>affected viz applicants, direct recruits & others affected</sup> to represent against this draft <sup>seniority</sup> list and thereafter finalise the list <sup>after considering the representations</sup>. The applicants will be at liberty to make their representations including the contentions ~~that~~ they have made in this Application, to the Respondents, while submitting their representations on the seniority list. The Respondents will complete this process of finalisation within a period of two months from the date of receipt of this Order.

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3. It is further ordered that as a result of finalisation of the seniority list, if the applicants get higher places vis-a-vis direct recruits, they will have to be entitled to consequential promotions and other benefits from the date they became eligible to such promotions. If the applicants are eligible for promotion even according to the present ~~seniority~~ <sup>seniority</sup> list, the Respondents should consider them

Received  
B. C on 6/5/87  
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IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: HYDERABAD.

THE HON'BLE MR. B. N. JAYA SIMHA (V.C.)  
AND  
THE HON'BLE MR. D. SURYA RAO: (M).

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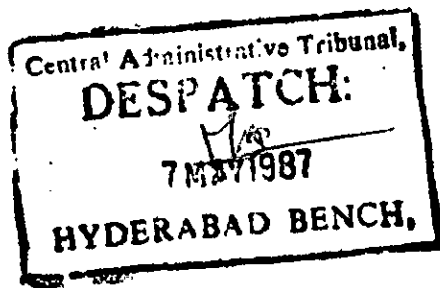
DATED:-

29/4/87

ORDER/JUDGMENT

O.A. NO. / T.A. NO. 310/87  
(W.P. NO )

Disposed of at  
the admission stage.



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for promotion and promote them. The Learned Counsel  
for the applicants further submits that by virtue of  
the higher posts the direct recruits <sup>are now holding</sup> have got, they  
are likely to be promoted to the next higher posts  
of Shop Superintendents. Such promotions also will  
be subject to finalisation of the seniority list  
and the applicants, in the event of their becoming  
senior to the direct recruits, ~~they~~ will ~~also~~ also be  
eligible to such promotions.

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(dictated in open court)



(B.N. JAYASIMHA)  
Vice Chairman



(D. SURYA RAO)  
Member.

29TH APRIL, 1987.

RSR°