

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

MONDAY THE THIRTY FIRST DAY OF AUGUST
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. 435 of 1987

Between:-

Syed Ichha

.....Applicants.

And

1. Union of India, Rep. by

General manager,

South Central Railway,

Rail Nilayam, Secunderabad.

2. Divisional Railway Manager (Personnel)

M.G. Division, Opp. Rail Nilayam

Secunderabad. Respondents.

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to ~~expedites and it is hereby~~ ~~decided for hearing~~ declare that the applicant is entitled to count his seniority from the date of completion of six months continuous service i.e. from the date he acquired temporary status in the category of yard Khalasi's and direct the respondent's to prepare, publish and communicate a revised seniority list showing the applicant at the appropriate place in it

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2/9/88

ORIGINAL APPLICATION NO.435 of 1987

(ORDERS OF THE TRIBUNAL)

The applicant herein, who was working as Yard Khalasi in Lallaguda Loco Running Shed, Secunderabad filed this application seeking a direction to the respondents to regularise ^{his} the services of the applicant in the post of Yard Khalasi as he had acquired temporary status on completion of six months continuous service from the date of his appointment in terms of paragraph 2501 of the Indian Railway Establishment Manual and declare his seniority and also make him eligible for promotion to the higher post.

2. This case is covered by our decision in a similar case, viz., O.A.No.356 of 1986. Our order dated 24-10-1986 in the said application reads as follows :-

"The applicants herein are Yard Khalasis attached to Loco Running Shed, Secunderabad division of the South Central Railway. The applicants have been working as Khalasis since long years ago. They seek a declaration that they are entitled to count their seniority from the date of completion of six months continuous service, i.e., from the date they acquire temporary status as Yard Khalasis. They also seek a direction to the respondents to prepare,

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publish and revise the seniority list showing the applicants at the appropriate place in the revised seniority list.

In a similar matter in W.P. No. 4058/82 the High Court by an order dated 29-10-84 had given the following among other directions :-

"1. that the petitioners herein are entitled to count their seniority from the date of their completion of six months continuous service from the date they acquired temporary status in the category.

2. That the respondents herein are directed to prepare the seniority list accordingly and publish and communicate the same."

The petitioners' case is exactly similar to that in W.P. 4058/82. The petitioners contend that some of the petitioners in W.P. in the High Court were their juniors and following the High Court's direction their juniors have acquired temporary status. The only reason that the applicants have not been given the same benefit as their juniors is that they did not join in the W.P. before the High Court.

After having heard Mr. M. Suryanarayana Murthy, Learned Counsel for the applicant and of Sri N.R. Devaraj, Standing Counsel for Railways, we direct that the respondents do give to the petitioners temporary status from the date of completion of six months continuous service as Yard Khalasis. The respondents are further directed to prepare a seniority list including the names of the petitioners who have completed the six months continuous service and communicate the same.

Time-limit for complying with these directions is fixed as 45 days from the date of receipt of this order. With these directions, the application is disposed of."

contd..3

3. The same order will apply to the applicant in the present Application also. After hearing the Counsel for the Learned Counsel for the Applicant and Mr. N.R. Devaraj, Standing Counsel for the Railways, we direct ~~that~~ the respondents to implement the order of this Tribunal extracted above in the present case also within 45 days from the date of receipt of this Order. With these directions, the application is disposed of. No costs.

for Jayasimha

(B.N.JAYASIMHA)
Vice-Chairman.

D.Surya Rao

(D.SURYA RAO)
Member(Judl.)

31st August, 1987.

RSR