

Central Administrative Tribunal
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 377/89.
~~T.A.No.~~

Date of Decision :

Krishnamurthy & 15 others Petitioner.

Shri P.Krishna Reddy Advocate for the
petitioner (s)

Versus

The General Manager, Respondent.
South Central Railway, Rail Nilayam,

Secunderabad & 5 others
Shri J.Siddaiah, Advocate for the
SC for Railways Respondent (s)

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Judl)

THE HON'BLE MR. R.Balasubramanian : Member(Admn)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HJNM
M(J)

HRBS
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.377/89.

Date of Judgment: A-3-91

1. Krishnamurthy S/o Narsaiah
2. Mallaiah
3. G.Ramakrishna
4. Abdul Hameed
5. Swamy Dass
6. Veeramallu
7. Krishnamurthy S/o Agaiah
8. Mohd. Ishaq Ahmed
9. Md. Gafoor
10. Narsiah
11. K.Prakash
12. Somaiah
13. Md. Younus
14. Azmath Khan
15. Kistaiah
16. Jaffar Hussain .. Applicants

Versus

1. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. The Chief Engineer,
South Central Railway,
Railway Nilayam,
Secunderabad.
3. The Divisional Railway
Manager(BG),
South Central Railway,
Secunderabad.
4. The Sr. Divl. Engineer(BG),
South Central Railway,
Rail Samachar Bhavan,
Secunderabad.
5. The Asst. Engineer(East)(BG),
South Central Railway,
Secunderabad.
6. The Permanent Way Inspector,
(Ultra Sonic),
South Central Railway,
C/o Asst. Engineer's Office,
Secunderabad(BG). .. Respondents

Counsel for the Applicants : Shri P.Krishna Reddy

Counsel for the Respondents: Shri J.Siddaiah,
SC for Railway

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

{ Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) }

Shri Krishnamurthy S/o Narsaiah and 15 others have filed this application under section 19 of the Administrative Tribunals Act, 1985 against the General Manager, South Central Railway, Rail Nilayam, Secunderabad and 5 others.

2. The applicants are now working in the Ultrasonic Flaw Detection (U.F.D.) Unit. When the services of the applicants were regularised they were posted to various units of P.W.Is but not to the U.F.D. Unit on the ground that it is not a permanent organisation. They were all absorbed in the various units of P.W.Is in and around Secunderabad. It is prayed that they be absorbed in the U.F.D. Unit instead of the other units.

3. The application is opposed by the respondents. When there was no scope to regularise their services in their turn in the U.F.D. Unit itself not being a permanent organisation the applicants were sought to be absorbed in other units of P.W.Is. Against this, the applicants went to the High Court in W.P.No.602/88 and lost the case. Later, the applicants approached the respondents and requested them to permit them to work under Open Line P.W.Is Unit near Secunderabad itself dropping the original proposal to send them to various units like Alair,

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Mancherial, Kagaznagar and Parli against which the applicants have filed an unsuccessful writ petition. The respondents placed all their names in the live registers of the Open Line L.W.Is Unit for screening. Subsequently, they have been screened for absorption in the P.W.Is Units. In fact, the posting of the applicants in the P.W.Is Units was on a slightly higher scale viz: Rs.775-1025 instead of the Rs.750-940 grade and the applicants cannot have any grievance. According to them there are no permanent posts under the U.F.D. Unit in Secunderabad Division and that it is only for convenience that the applicants are utilised in the U.F.D. Unit with their liens maintained in the units to which they are allotted.

4. We have examined the case and heard the learned counsel for the applicants and the respondents. In the course of the hearing the learned counsel for the applicants drew our attention to the fact that in other Divisions like Vijaywada of the South Central Railway itself the U.F.D. Unit is treated as a separate unit and Khalasis are screened for that unit. It was his argument that when the applicants are working in that ^{unit} there should be corresponding posts to absorb them. We asked the learned counsel for the applicants pointedly as to what grievance they can have in having been absorbed in regular P.W.Is units with marginal financial benefits and why they are insisting on being absorbed in the U.F.D. Unit. To this the reply was that there may be a situation ^{when greater} ~~that~~ ^{more}

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To

1. The General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. The Chief Engineer, South Central Railway,
Railway Nilayam, Secunderabad.
3. The Divisional Railway Manager (BG),
South Central Railway,
Secunderabad.
4. The Senior Divisional Engineer (BG),
South Central Railway, Rail Samachar Bhavan,
Secunderabad.
5. The Assistant Engineer (East) (BG),
South Central Railway, Secunderabad.
6. The Permanent Way Inspector, (Ultra Sonic),
South Central Railway,
C/O Asst. Engineer's Office, Secunderabad (BG).
7. One Copy to Mr. J. Narasimha Murthy, Member (Judl), CAT., Hyd.
8. One Copy to Mr. R. Balasubramanian : Member (Admn), CAT., Hyd.
9. One Spare Copy.
10. One Copy to Mr. P. Krishna Reddy, Advocate, CAT., Hyd.
11. One Copy to Mr. J. Siddaiah, SC, for Railways. CAT, Hyd Bench
Hyd.

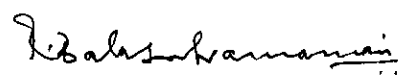
VGB.

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promotional avenues might crop up in this particular unit and that the applicants would then be in an advantageous position. As on date, the applicants can only be fitted in the proper seniority position vis-a-vis those in the P.W.Is units. Separate posts cannot be created for them to ensure possible future promotional avenues over the claims of others senior to them in the other units. We also find that while admitting the application on 8.5.89 this Tribunal had ordered that the absorption of the applicants in the other units of P.W.Is will not prejudice their claim for regular absorption in the U.F.D. Unit. The applicants have not been put to any hardship as of now and we are, therefore, inclined to dispose of this case with a direction to the respondents that as and when regular posts are created in the U.F.D. Unit the cases of the applicants should also be considered alongwith others in accordance with the rules for filling up the posts in the U.F.D. Unit. There is no order as to costs.



(J.Narasimha Murthy)
Member(Judl).



(R.Balasubramanian)
Member(Admn).

Dated 4th March 91 for Deputy Registrar(Judl).

