

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
BENCH AT : HYDERABAD

O.A. No.596/89

Date of order: 28.12.1990

Between:

A.R. Anjaneyulu

.. Applicant

Vs.

1. General Manager,
S.C.R., Secunderabad.

2. Chief Personnel Officer,
S.C.R., Vijayawada.

3. Senior Divisional Personnel
Officer, S.C.R., Vijayawada.

4. Smt. Lily Margaret Asservadam,
Trained Graduate Teacher,
Railway High School, (EM),
Bitragunta.

.. Respondents

Appearance:

For the Applicant : Sri S. Lakshma Reddy, Advocate

For the Respondents : Shri D. Gopala Rao,
Standing Counsel for Railways.

Coram:

THE HON'BLE SHRI J. NARASIMHA MURTHY, MEMBER (JUDICIAL)

THE HON'BLE SHRI R. BALASUBRAMANIAN., MEMBER (ADMN.)

.....

(Contd....)

36

(Judgement of the bench pronounced by Shri R.Balasubramanian)
Hon'ble Member (A)

This application has been filed under Section 19 of the Central Admn. Tribunals Act, 1985 by Shri A. R. Anjaneyulu against the General Manager, S.C.R., Secunderabad and three others.

2. The applicant was appointed as a Trained Graduate Teacher in the scale of Rs.170-380/- in the year 1969 while the 4th respondent was originally appointed as Gr.IV Teacher in the scale of Rs.118-225/- on 31.1.1967. At the time of her appointment she was only a Graduate with SGBT Training. According to the applicant she was not eligible for appointment as Gr.II Teacher since she did not possess B.Ed., qualification. On 16.1.1969 she was given the scale of Rs.160-300 of the Grade-III post. She acquired B.Ed., qualification only in the year 1973. It is stated that in 1970 the applicant was promoted to the post of Head Master on ad hoc basis and posted at Bitragunta. In the year 1971 regular selections were conducted and thereafter the applicant was reverted back to his original post. When the selections ^{were} conducted in the year 1971, the 4th respondent was not even called for interview as she was not possessing B.Ed., qualification as on that date. During the year 1971 candidates were called for selections on the basis of seniority list of the Trained Graduate teachers and in the year 1978 the seniority list was revised provisionally in the division. The applicant was shown at position 10 and the 4th respondent was shown at position 13. But in the final seniority list published in Aug.79

22
93
(Contd...)

(31)

the 4th respondent was shown as senior to the applicant. No notice was given to the applicant before altering this. The applicant made representation and in the meantime he was promoted as Head Master at the Upper Primary School at Gadag. On a representation from the 4th respondent she was reverted and instead she was posted at Gadag. The applicant made several representations and by the impugned letter dt.29.6.88 he was replied that since the 4th respondent was possessing the requisite qualifications for the post of Trained Graduate Teacher she was promoted to that scale of 170-380 w.e.f. 16.1.1969 itself and she was therefore senior to him. The applicant has prayed that the impugned order dt.29.6.1988 be quashed and that he be treated as senior to the 4th respondent.

3. The prayer is opposed by the respondents. It is their point that in terms of the Railway Board Circular dt.31.5.1968 the 4th respondent was fixed in the scale of Rs.170-380 w.e.f., 16.1.68 itself whereas the applicant joined in that scale only from 19.9.1969. In the provisional seniority list the applicant was shown senior to the 4th respondent and on getting the representations they finalised the seniority list and they had placed the 4th respondent at the proper place above the applicant.

3. The 4th respondent was fixed in the scale of Rs.170-380/- from 16.1.1968.

4. We have examined the case and heard the learned counsel for the applicant Sri Lakshma Reddy, and Shri D. Gopala Rao, Standing Counsel for the Railways. The question before us is whether the seniority between the applicant and 4th respondent is correctly fixed or not. The applicant joined in the scale of Rs.170-380/- directly on 19.9.69. The 4th respondent was working as a Teacher

73

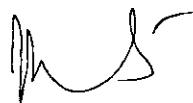
in the Govt. High School, Hyderabad from 13.1.1955 to 7.9.1965 and as substitute teacher in the Railway School, Vijayawada w.e.f. 8.9.65 to 30.1.1967. After being placed in the scale 118-225/- on 30.1.67, she was promoted as Trained Graduate Teacher in the scale 160-300 in Gr.III w.e.f., 16.1.1969. The Railway Board Circular PC-68/
LG-5/1 of 31.5.1968 states that for teachers to be placed in Gr.II in the scale 170-380 they should be trained graduates or equivalent who teach classes from 6th 10th. The term equivalent was further defined vide Railway Board's letter No.E-P&A 1-70/PS-5/E -1 dt.17.1.1970. The term equivalent was defined as untrained graduates with 5 years teaching experience. If this is applied the 4th respondent who had much more than 5 years teaching experience and was handling classes VI to Xth was entitled to be placed in the scale Rs.170-380/- from 16.1.1969 itself when she was promoted to the scale 160-300/-. Further, by a letter No.P/594/Upgradation/Vol.II dt.28.1.74 the Chief Personnel Officer, South Central Railway had upgraded the posts at Bitragunta to the scale 170-380 from 1.7.58 itself. All these put together, it is clear that the respondent No.4 is entitled to be placed in the scale 170-380/- from the date she was promoted to the scale 160-300 i.e., 16.1.1969 itself. ^{Accordingly,} Vide Letter dt. B/P/594/XI/45/Vol.IV dt.6.2.75 the Railway authorities placed the 4th respondent in the scale 170-380 from 16.1.1969. As a result of this she becomes senior to the applicant who joined the scale 170-380 only from September, 1969. The seniority list where the applicant was shown senior to the 4th respondent was only a provisional one. We find from the letter B/P/594/XI/SL dt.2.8.1979 (page 14 of the material paper of the application)

23

(Contd...)



that the Senior Divisional Personnel Officer, Vijayawada had indicated this as the final seniority list of the Trained Graduate Teachers. In the preamble to the seniority list it had been indicated that the final seniority list had been issued after considering the representations received from the teachers and after examination. The finalisation of a provisional seniority list cannot be called as revision of the seniority without notice. The provisional seniority list is issued for the purpose of inviting comments/objections and the action of the respondents in finalising the seniority list cannot be considered to be illegal. We find that on a close examination of the case, the placement of 4th respondent higher in the seniority list over the applicant is quite in order. We therefore dismiss the application with no order as to costs.



(J. NARASIMHA MURTHY)
MEMBER (Judicial)

R. Balasubramanian
(R. BALASUBRAMANIAN)
MEMBER (Admn.)

Dt. 28th December 90

D. S. Iyer
Deputy Registrar (J)

Mvs

To

1. General Manager, S.C.R., Secunderabad.
2. Chief Personnel Officer, S.C.R., Vijayawada.
3. Senior Divisional Personnel Officer, S.C.R., Vijayawada.

One copy to Mr. S. Lakshma Reddy, Advocate,
Advocates' Association, High Court Buildings, Hyderabad.
One copy to Mr. D. Gopala Rao, Standing Counsel for Rlys.
One copy to The Hon'ble Mr. J. Narasimha Murthy,
Member (J), C.A.T., Hyderabad Bench, Hyderabad.
One copy to The Hon'ble Mr. R. Balasubramanian, Member (A),
C.A.T., Hyderabad Bench, Hyderabad.
One Spare Copy.

srr/