

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT

HYDERABAD

ORIGINAL APPLICATION NO.758 of 1989

DATE OF ORDER: 10th NOVEMBER 1989

BETWEEN:

Mr.P.Narasimha and another ... Applicants

Vs.

Chief Workshop Manager, S&T Workshop,
Mettuguda, S.C.Rly, Secunderabad & 2 others Respondents

For Applicants : Shri S.Laxma Reddy, Advocate

For respondents : Shri P.Venkatarama Reddy, SC for Rlys.

CORAM:

Hon'ble Shri D.Surya Rao, Member (Judl.)

Hon'ble Shri D.K.Chakravorty, Member (Admn.)

JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO,
MEMBER (JUDL.)

We have heard the learned counsel for the applicants, Shri S.Laxma Reddy and the learned Standing counsel for the Railways, Shri P.Venkatarama Reddy. The matter has come up for admission. The applicants are Moulders Grade-III in the S&T Workshop, Mettuguda, South Central Railway, Secunderabad. According to them, the respondents 2 and 3 are also Moulders in the same grade. The

applicants claim that they stand at Sl.No.28 and 29 in the seniority list of Skilled Grade-III Moulding cadre published as on 31.12.1988 whereas the respondents 2 and 3 are at Sl.No.44 and 48. Hence the ~~respondents~~ 2nd & 3rd respondents are juniors to the ~~the applicants intend have~~ applicants. In terms of the seniority list, the ~~applicants contend~~ that they were called for the test for consideration for promotion to the post of Skilled Grade-II Moulders. The results of the test have not been announced. Without announcing the results of the 1st test, the applicants state that the respondent ~~have~~ called the ~~the~~ respondents 2 and 3 for ~~/~~ trade test. Thereafter, the 1st respondent issued the impugned letter No.65592/Est./M on 31.8.1989 informing the applicants that the seniority of the respondents 2 and 3 was not correctly shown, that the mistake was detected later and consequently trade test was wrongly ordered in favour of the applicants for promotion to Grade-II Skilled Moulders, that the said trade test is kept pending and they will be considered for promotion only when their turn comes up. It is further stated that the revised seniority list of Skilled Grade-III will be published shortly. The applicants assail this order dated 31.8.89 ~~the~~ both on/grounds that it is proposed to revise the seniority list without notice to them and they also assail the correctness of the stand of the respondents that they are juniors to the respondents 2 and 3. They, therefore, seek quashing of the letter dated 31.8.1989 and for a direction to the respondent-I to promote the applicants pursuant to the trade test conducted on the basis of the existing seniority list published on 31.12.1988.

2. It is clear from the facts narrated above that without notice to the applicants, the 1st respondent proposes to revise the seniority list. It is also clear that without notice to the applicants, he has determined that the applicants are juniors to the respondents 2 and 3. The applicants have, through their Union, made a representation on 2.9.1989 questioning the action of the respondents in seeking to revise the seniority list of the

To:

1. The Chief workshop Manager, S&T Workshop, Mettuguda, Secunderabad-500 017.
2. One copy to Mr.S.Laxma Reddy, Advocate, Advocate's Association High court buildings, Hyderabad.
3. One copy to Mr.P.Venkatarama Reddy, SC for Rlys. CAT,Hyd.
4. One ~~copy~~ copy to Hon'ble Sri. D.K. Chakravarthy, Member, CAT, Hyderabad.
5. One Spare Copy . . .

k.j.

united force
29/1/89

Done
JF
29/1/89

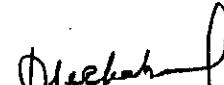
Skilled Grade-III Moulders. Admittedly, the said representation is yet to be disposed of. In the circumstances, ^{the} ~~at the admission stage~~ application can be disposed of with a direction to the respondents to give notice to the applicants before they revise the seniority list as proposed in the impugned order dated 31.8.1989. Till the matter relating to revision of seniority list is finally determined after such a notice, the impugned order dated 31.8.89 will not be acted upon and the respondents 2 and 3 ~~xxx~~ will not be promoted pursuant to the trade test held. It will always be open to the applicants to question any final order passed by the respondents pursuant to these directions, if they are aggrieved.

3. With these directions, the application is disposed of. There will be no order as to costs.

(Dictated in the open Court).

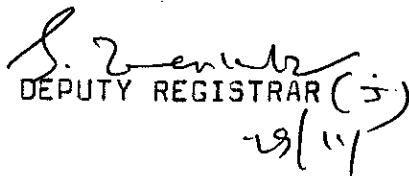


(D.SURYA RAO)
Member(Judl.)



(D.K.CHAKRAVORTY)
Member(Admn.)

Dated: 10th November, 1989.


DEPUTY REGISTRAR (S)
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