

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

R.P. No.15/91 in

O.A. No. 421/90

F.A.No.

Date of Decision : 20th March, 91

Ch. Venkaiah & 4 others

Petitioner.

R.V. Kameswaran

Advocate for the
petitioner (s)

Versus

B.H.Venkateswarlu & 3 others

Respondent.

Mr. N.R. Deva Raj, S.C. for Railways

Advocate for the
Respondent (s)

CORAM :

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

THE HON'BLE MR. R. BALASUBRAMANIAN, MEMBER (A)

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)

(HRBS)

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

R.P. No.15/91 in
O.A. No.421/90.

Date of order: 20th March, 91

Between

Ch. Venkaiah,
2.P.V.Krishna Rao,
3.D.Sambamurthy,
4.G.V.Sheshaiah, and
5.V.A. Rama Rao

Vs.

1. B.H.Venkateshwarlu,
2. Chief Personnel Officer,
S.C.R., Secunderabad.
3. Sr. Divisional Personnel
Officer, S.C.R.,
Vijayawada.
4. Joint Director,
Establishment/N, Railway
Board, New Delhi

Review
.. Applicants and Respondents
NO-4 to 8 in O.A NO-421/90
in the file of this Tribunal.

Applicant and
.. Respondents 1 to 3 in do -

Appearance

For the applicants	:	Mr. R.V. Kameswaran, Advocate
For the respondents	:	Mr. J.M. Narayan, Advocate
NO-2 to 4.	:	Mr. N.R. Deva Raj, S.C. for Railways

CORAM

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

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

25

REVIEW PETITION NO.15/91 in O.A.No.421/90

(Orders passed in Circulation)

JUDGMENT OF THE DIVISION BENCH DELIVERED IN CIRCULATION BY
THE HON'BLE SHRI J.NARASIMHA MURTHY, MEMBER(JUDL.)

This is a petition filed by the petitioner for review of our order dated 12.12.1990 in O.A.No.421/90. In the review petition the petitioner raised certain relevant points among which he quoted para 320 'C' of the Indian Railway Establishment Manual. According to which he contends, that when various categories of employees were taken to a common cadre, their seniority has to be fixed according to their length of service in their original posts. Here in this case, the Department did not take equal grade employees to prepare the list. They took unequal grades to prepare a common seniority list in the new criteria. In such a case, their original seniority should not be taken to fix their seniority in the new criteria. In this case, equal cadre people were not taken from the various department. Unequal cadre people were taken and by increasing their salary by adding 30% of their pay to their original pay scales and made equal to the other cadre employees i.e., Assistant Station Masters and prepared a common seniority list for the posts of Section Controllers. In this case, originally, the Assistant Station Masters belong to the grade Rs.425-640 and the Guards 'C' category belong to the grade and Rs.330-530/they are not equal grades. But the employees who have got unequal grades were brought ~~xx~~ from various categories and by raising their pay as per Railway Board's letter dated 19.5.1989

h

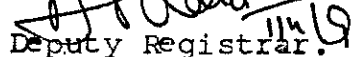
by 30% to the Grade 'C' Guards, they were made equal to the Assistant Station Masters who were in higher grade. Even in the other divisions of the South Central Railway, the Assistant Station Masters were treated as seniors to the Grade 'C' Guards but in the Hubli Division when the Dept., held that the Guards 'C' are seniors to the Assistant Station Masters, the Assistant Station Masters approached the Central Administrative Tribunal Bangalore Bench. The Bench allowed the petitions and they stated that the Assistant Station Masters are superior in rank than the Guards 'C' category and they should be put as seniors to the Guards 'C' categories. Basing on that Judgment, the petition was allowed in this case. "We saw no reason to disagree with the Bangalore Bench and hence our order in the O.A., holds good." We find that there are no merits in the Review Petition and the Review Petition is dismissed. No order as to costs.



(J. NARASIMHA MURTHY)
Member (Judl.)



(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 20th March, 1991.  Deputy Registrar. 11/4/91.

To

~~XXXXXXXXXXXXXXXXXXXX~~

1. The Chief Personnel Officer, S.C.Rly, Secunderabad.
2. The Sr. Divisional Personnel Officer, S.C.Rly, ~~xxx~~ Vijayawada.
3. The Joint Director, Establishment/N, Railway Board, New Delhi.
4. One copy to Mr. R.V. Kameswaran, Advocate,
B-35, Railway Quarters, Sitahalmandi, Secunderabad.
5. One copy to Mr. N.R. Devraj, SC for Rlys, CAT.Hyd.Bench.
6. One copy to Hon'ble Mr. J. Narasimha Murthy, Member (A) CAT.Hyd.
7. One spare copy.
8. One copy to Mr. J. M. Naidu, Advocate, H.NO-18-11, Kamalanagar, Dilshuknagar, Hyderabad.

pvm