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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 542/90. Date of Judgment 27-6-91

V.Brahmiah .. Applicant

Vs.

1. Chief Personnel Officer,
South Central Railway,
Secunderabad.

2. Dy. Chief Mechanical
Engineer,
Carriage Repair Workshop,
South Central Railway,
[redacted] Tirupathi .. Respondents

Counsel for the Applicant : Shri V.Krishna Rao

Counsel for the Respondents : Shri N.V.Ramana,
SC for Railways

CORAM:

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

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

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

This application has been filed by Shri V.Brahmiah under section 19 of the Administrative Tribunals Act, 1985 against the Chief Personnel Officer, South Central Railway, Secunderabad and another.

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2. The applicant has been working in the Carriage Repair Workshop at Tirupati. Vide notification No.P.137/Mech/CRS/TPTY/1 dated 8.1.87 the Chief Personnel Officer, South Central Railway, Secunderabad called for applications from various units to meet the manpower requirements of the Carriage Repair Workshop at Tirupati. Volunteers were required on certain conditions stipulated in the notification. The applicant responded. He was, however, relieved from the parent units at different points of time in view of the requirements of the different units to be different at various times. It is alleged that as a result the seniors who had secured promotions in their units had to join the Carriage Repair Workshop at Tirupati in a lower grade since according to the condition of option they had to opt in the grade in which they were working on 15.11.82. It is also stated that the juniors who had joined the Tirupati Workshop earlier were promoted as semi-skilled, skilled and other higher grades on condition that their promotion will not confer on them any prescriptive right for continuance, seniority, future promotions etc., and that they were liable to be reverted as and when senior optees joined duty in the Carriage Repair Workshop at Tirupati. The juniors had got so many promotions earlier than the seniors joining the Carriage Repair Workshop later and have been drawing higher wages than the seniors. It is alleged that the respondents have not regulated the promotions even after the seniors joined the Carriage Repair Workshop at Tirupati, in terms of the conditions stipulated in the notification dated 8.1.87. The seniors represented but without success. He has prayed that this Tribunal direct the respondents to regulate promotions according to seniority by terminating the adhoc promotions of juniors with the benefit of retrospective promotion, fixation of pay, arrears of wages and other consequential benefits which are due to the applicants.

3. The application is contested by the respondents. It is admitted that juniors to the applicants who were already in the Carriage Repair Workshop or who had joined earlier are continuing in higher grades on adhoc basis. When the seniors from other units joined later, the respondents could not revert the juniors from higher posts to accommodate the seniors who had joined the Tirupati unit later. This was due to a situation where the Carriage Repair Workshop at Tirupati being a new unit number of posts had been created and they had filled up these posts with the available hands since they did not know exactly when the senior optees would be joining the Carriage Repair Workshop. The respondents were apprehensive that if juniors who had been officiating in higher grades for long time are reverted simply to meet the conditions they had held out to accommodate the seniors it will lead to industrial unrest and group rivalries. Consultations were held to find a solution to the situation and the Railways had issued instructions in July, 1990. It is contended that with these guidelines the seniority of the seniors would be protected when they get promotion.

4. The respondents have filed an additional counter affidav in which they have stated that in accordance with the guidelines issued in July, 1990 promotions have been effected. They, however, oppose that the plea of the applicants for fixation of pay and arrears should not be accepted since their seniority in the promoted grade stands protected.

5. We have examined the case and heard the learned counsel for the applicants and the respondents. The Railways laid down certain conditions in the notification dated 8.1.87 and it was in response to this that the applicants opted. Whatever be the reasons, if the respondents depart from thes conditions to the disadvantage of those who had applied

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6. The above directions shall be carried out by the respondents within a period of three months from the date c receipt of this order. There is no order however as to costs.

(J.Narasimha Murthy)
Member(Judl).

(R.Balasubramanian)
Member(Admn).

Dated 27th June 91

Deputy Registrar(J)

To

1. The Chief Personnel Officer,
South Central Railway, Secunderabad.
2. The Deputy Chief Mechanical Engineer,
Carriage Repair workshop,
South Central Railway,
3. One copy to Mr.V.Krishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.Bench.
5. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.Bench.
6. One spare copy.

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RCS
1/7/91

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CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDRABAD BENCH:HYDERABAD

THE HON'BLE MR.B.N.JAYASIMHA: V.C.
AND
THE HON'BLE MR.D.SURYA RAO: M(J)
AND
THE HON'BL MR.J.NARASIMHA MURTHY:M(J)
AND
THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

DATED: 27-6-1991.

ORDER / JUDGMENT.

M.A./R.A./C.A. No.
in
T.A.No. W.P.No.
O.A.No. 542/90

Admitted and Interim directions issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

Central Administrative Tribunal
DESPATCH
2 JUL 1991
HYDERABAD BENCH.