

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 408/91.

Dt. of Decision : 21.11.94.

B. Raja Mallesha

.. Applicant.

Vs

1. Union of India rep. by
General Manager, SC Rly,
Rail Nilayam (3rd Floor)
Secunderabad.
2. Chief Personnel Officer,
SC Rly, Rail Nilayam, (4th Floor)
Secunderabad.
3. Controller of Stores,
SC Rly, Rail Nilayam, (6th Floor)
Secunderabad.
4. Superintendent(Ptg.&Sty.)
General Printing Press,
SC Rly, Secunderabad.
5. Sri C.B. Mohan Rao
6. Sri B. Motilal

.. Respondents.

Counsel for the Applicant : Mr. PNA Christian

Counsel for the Respondents : Mr. D. Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN]

J U D G E M E N T

Heard Shri P.N.A. Christian, learned counsel for the applicant and also Shri D. Gopal Rao, learned standing counsel for the Respondents.

2. This OA was filed praying for quashing the order No. 11/E/91 dated 13-3-91 of Respondent 4 in File No. PSC/E/3A/Supervisory/Pt.XIII by holding it as arbitrary, unjust and unconstitutional and opposed to the principles of natural justice, equity and fair play and for issuance of consequential direction to the Respondents to promote the applicant to the post of Chargeman 'B' with effect from 1-3-91 and for all consequential benefits including payment of arrears of salary and for further promotion to the next higher grade.

2. The applicant is now working as H.S I Fitter Maintenance Section in General Printing Press, South Central Railway, Secunderabad. There are various sections in this Printing press. Each Section is headed by Chargeman A or B. Promotion to the post of Chargeman 'B' is from H.S Gr. I. The main point which arises for consideration in this case is as to whether the post of Chargeman 'B' is a separate unit for each section or whether there is common seniority unit for Chargeman 'B' for all sections put together.

3. The contention for the applicant is that the post of chargeman 'B' is a separate seniority unit for each section, while according to the

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To

1. The General Manager, S.C.Rly,
Railnilayam, (3rd Floor) Union of India,
Secunderabad.
2. The Chief Personnel Officer, S.C.Rly,
Railnilayam (4th Floor) Secunderabad.
3. The Controller of Stores, S.C.Rly.
Railnilayam(6th Floor), Secunderabad.
4. The Superintendent (Ptg. & Sty.)
General Printing Press, S.C.Rly,
Secunderabad.
5. One copy to Mr.P.N.A.Christian, Advocate, CAT.Hyd.
6. One copy to Mr.D.Gopal Rao, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm

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at

1/1/1962
2/1/1962

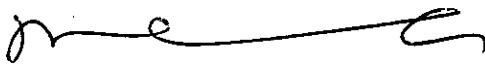
2/1/94
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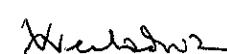
Respondents it is common seniority unit.

4. Similar point had come up for consideration in OA 204/93 and OA 750/88. This Bench held in OA 750/88 ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ that no record is produced for the Respondents to establish whether the post of Chargeman is the common seniority unit for all sections or whether it is a separate seniority unit for each section. When the said judgement was cited at the time of consideration of OA 204/93, we had given a direction to the Respondents to take a final decision either to treat the post of Chargeman 'B' as a separate seniority unit for each section or common seniority unit for all sections.

5. In the above view, it is not open to this Bench to give a separate direction. If the applicant is aggrieved by the said order, his remedy is to file Review application in OA 204/93. We make it clear that if there are rules whereby the post of chargeman is treated as a separate seniority unit, or ~~combined seniority unit~~, the applicant is free to raise that point also in the Review application if it is going to be filed in OA 204/93. If such review application is going to be filed, it will be naturally considered according to rules.

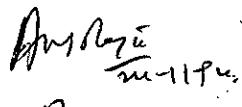
5. The OA is ordered accordingly. No costs./


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
Vice-Chairman

Dated 21st November, 1994
Open court dictation

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Deputy Registrar (J)

