

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.913/91

decided on : 19-12-94

Between

M. Chandra Rao

: Applicant

and

1. The General Manager
SC Rly., Rail Nilayam
Secunderabad

2. The Sr. Divnl. Personnel Officer
SC Rly., Rail Nilayam
Secunderabad

3. The Divnl. Rly. Manager (Personnel)
BG/SC, SC Rly., Rail Nilayam
Secunderabad : Respondents

Counsel for the applicant : P. Murali, Advocate

Counsel for the Respondents : V. Bhimanna, SC for Railways

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

J U D G M E N T

As per Hon'ble Sri R.Rangarajan, Member(Administrative)

This OA was filed for a direction to the respondents herein to assign the seniority to the applicant at Sl.No.65 immediately after Sri M.Laxma Reddy in the provisional seniority list of Staff in Ticket Checking cadre/TTE/RTC in the grade of Rs.425-640(RS)/1400-2300(RSRP) as on 1.4.1988 circulated vide circular No.CP/535/P2/Ticket Checking/Seniority dt.

3.6.1988 being the last place of Batch No.76.

2. The facts which are not disputed are as follows:-

The applicant joined Railway service as a Ticket Collector on 22.5.1964 through Railway Service Commission. He was deputed for initial training in Zonal Training School, Bhusawal in Batch No.76. He failed in the first attempt and was sent to attend the repeat course in Batch No.79 and he had passed. His seniority was fixed with reference to his merit order in Batch No.79. On the basis of that seniority he had been promoted as Travelling Ticket Examiner in the year 1972 and as Conductor in the grade of Rs.1400-2300 in the year 1984.

3. The contention of the applicant is that in fixing his seniority in his case, Serial Circular No.8/76 dt. 9.1.76 has to be followed i.e. his seniority is to be assigned after completion of training and any candidate if he is unsuccessful in the first attempt is given further two chances to clear the course in the subsequent batches and if he clears the same, his seniority would be fixed at the bottom place of batch in which he was selected. He further submits that though he failed to complete the training course in the year 1964, /Batch No.76 he has passed training course in his second attempt in Batch No.79 of the year 1964 itself and

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hence his seniority has to be assigned properly as prayed for above. He made number of representations, the first one is dated 3.1.1979.

4. The applicant is now expecting promotion as T.T.I. in the grade of Rs.1600-2600 (RSRP) and the candidates in the seniority list upto Sl.No.60 are already promoted and if his seniority as prayed for above is not given he will be put to irreparable loss. Hence he has approached this Tribunal with the above prayer.

5. The respondents in their reply affidavit have not disputed the facts in regard to his appointment, training and fixing up seniority after he passed the repeat course in Batch No.79. They further contend that such of the failed candidates who pass in second/third attempt were to be assigned seniority in the order of merit obtained by them in that particular batch in which they took the 2nd/3rd chances as per rules and instructions existed then. This was the procedure for assigning the seniority as provided in para-303(a) of the Indian Railway Establishment Manual (Annexure-I). As the applicant failed in the initial training in Batch No.76 and was successful in the Batch No.79, his seniority was correctly fixed with reference to his merit order in Batch No.79.

6. We have heard Sri P.Murali, learned counsel for the applicant and Sri V.Bhimanna, learned Standing Counsel for the respondents.

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7. In terms of Serial Circular No.8/76 dt. 9.1.1976 "the candidates who pass the training in the 2nd and 3rd attempts should be assigned seniority (according to the merit order assigned to them in the repeat course) below all those in the batch (with which they are sent for initial time) who secured a pass in the 1st attempt and above all those who are deputed for training in subsequent batches." As per the said circular, the candidates selected by direct recruitment by Railway Service Commission will be assigned seniority in the batch in which they are recruited, but below all those in that batch who secured a pass in the first attempt according to merit order assigned to them in the repeat course. If they pass the training course in second and third attemptss. The applicant in thiscase was selected in the year 1964 and he failed in the first attempt when he was sent for training in Batch No.76 but passed in the second attempt when he was sent for training in Batch No.79. As per the above circular he has to be assigned the seniority below those who are recruited in the year 1964 and passed the training course in the first attempt and according to the merit order secured by him in the repeat course. // The learned counsel for the respondents submitted that the old records in connection with the recruitment and training of the candidates who were recruited during the year 1964 as Ticket Collectors were not available. However, in no year more than one batch of Ticket Collectors are recruited through Railway Service Commission. In 1964 also there was only one batch of direct recruit Ticket Collectors recruited through Railway Service Commission. They were trained in more than

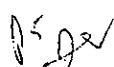
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one batch due to capacity constraint in sending them to Training School in one lot. Hence, they were sent in more than one batch. Batch Nos.77 and 78 may not be training course for Ticket Collectors. It could be to other categories of staff like ASMs/other operating category of staff. The applicant who was sent for the repeat course in Batch No.79 was correctly assigned seniority as per para-303(a) of IREM(Volume-I) as quoted in the Serial Circular No.8/76. As ^{for} the training course, ~~for~~ the recruits of 1964 were sent in batches viz. 76 & 79 he has been given the seniority in that batch only below to those who have passed in their first attempt and according to his merit order assigned to him in the repeat course in Batch No.79. Hence, the applicant has been given the seniority strictly in accordance with serial circular No.8/76, for those who recruited in the year 1964 and above those recruited after 1964 batch. Assigning of this seniority to the applicant is also in consonance with para-306 of IREM.

8. There is force in the submission of the respondents. It has not been stated in the application or at the time of hearing that Batch No.76 and 79 are training courses for those Ticket Collectors recruited in different batches through Railway Service Commission. It was also not submitted by the applicant that Batch Nos.77 & 78 are also training courses for Ticket Collectors. As recruits for Ticket Collectors in one year may not be so high as to conduct four batches of training it stands to reason that Batch Nos.77 & 78 may not be training course for directly recruited Ticket Collectors.

...6/-



To

1. The General Manager, S.C.Rly,
 Railnilayam, Secunderabad.
2. The Sr.Divisional Personnel Officer,
 S.C.Railway, Railnilayam, Secunderabad.
3. The Divisional Railway Manager(Personnel)
 BG/SC S.C.Rly, Railnilayam, Secunderabad.
4. One copy to Mr.P.Murali, Advocate, 16-2-740/5
 Gaddiannaram, Hyderabad.
5. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.
8. Copy to all reporters as per standard list of CAT.Hqd.

pvm

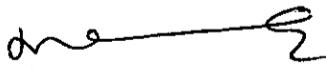
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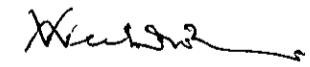
9. As each year only one batch of recruits are taken as Ticket Collectors, it could be safely presumed that the Ticket Collectors who were sent for training in Batch No. 76 & 79 are only those who were recruited in the same batch in the year 1964 only and not at a later batch. The training course for 77 & 78 may not be for Ticket Collectors. The applicant had been correctly assigned seniority in the 1964 batch of recruits below those who passed in the training course in the first attempt and according to his merit order in the repeat training course in Batch No. 79. Hence, assigning seniority to the applicant by the respondent is in accordance with Serial Circular No. 8/76 and also as per para-303(a) of IREM. He cannot claim any upward revision of seniority as prayed for by him in the seniority list dt. 3.6.1988. The seniority now assigned to him is also in accordance with para-306 of IREM. In view of the above, the OA is only liable to be dismissed.

11. The respondents further contend that this OA is time-barred as the applicant's seniority was fixed way back in 1976 and the seniority list of 1988 is only a continuation of the old seniority list and has to be dismissed on that ground. In the view that has been taken by us now as above, there is no need to further go into this contention.

12. In the result, the OA is dismissed as having no merits. No costs. /

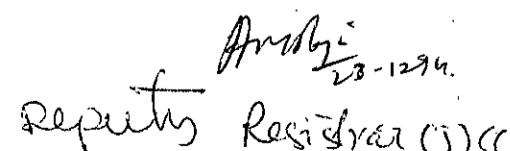

(R. Rangarajan)

Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 17th December, 1994.

Grh.


Deputy Registrar (J) (C)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

DATED: 19-12-1994

ORDER/JUDGEMTN:

M.A./R.A/C.A.No.

in

O.A.No. 913/91

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

PVM

