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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1055/91.

Date of Judgment 12th Feb 1992

1. M.Polaiah
2. E.Balaiah
3. Kollu Seshaiah
4. V.Parvathalu
5. K.Venkaiah
6. M.Malakondaiah
7. A.Joseph
8. L.Venkaiah
9. M.Prabhakar Rao
10. N.Mastan
11. B.Venkaiah
12. B.Venkataseshaiah
13. Sk.Khader Basha .. Applicants

Vs.

1. Chief Personnel Officer,
S.C.Rly., Secunderabad.
2. Sr. Divl. Personnel Officer,
S.C.Rly., Vijaywada.
3. Asst. Engineer,
S.C.Rly., Bitragunta,
Nellore District.
4. Pmt. Way Inspector,
S.C.Rly., Nellore. .. Respondents

Counsel for the Applicants : Shri P.Krishna Reddy

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

CORAM:

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

Hon'ble Shri C.J.Roy : Member(J)

[Judgment as per Hon'ble Shri R.Balasubramanian, Member(A)]

This application has been filed by Shri M.Polaiah & 12 others under section 19 of the Administrative Tribunals Act, 1985 against the Chief Personnel Officer, S.C.Rly., Secunderabad & 3 others, seeking a direction to the respondents to fill up the posts of the existing 10 vacancies and other future vacancies allotted to the unit of the 4th respondent taking into consideration the combined seniority of the applicants and other casual labour who were transferred from the CTR Organisation during 1985 and the seniority of casual labour already working in the unit of the 4th respondent.

To

1. The Chief Personnel Officer, S.C.Rly, Secunderabad.
2. The Sr.Divisional Personnel Officer, S.C.Rly. Vijayawada.
3. The Assistant Engineer, S.C.Rly, Bitragunta,
Nellore Dist.
4. Permanent Way Inspector, S.C.Rly, Nellore.
5. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
7. One spare copy.

8. one copy to D.L.(F)


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2. The applicants are now working as casual employees with temporary status in the unit of PWL/NLR. They joined the Railways as casual mazdoors under PWI/CTR/BTR. On completion of the Track Renewal Work (CTR) they were transferred to the unit of PWI/NLR in August, 1987 in which unit they are continuing now. Recently, some posts were to be filled up on regular basis and the respondents have prepared a separate gradation list for the casual labour already working under the PWI/NLR and like the persons working under the PWI/CTR. It is their contention that a combined seniority list should be prepared and that should be acted upon instead of maintaining separate seniority lists.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that persons who have come to the unit of PWI/NLR should be placed at the bottom of the seniority list according to Rule 2004 of the Indian Railway Establishment Manual Vol.II. It is pointed out that according to ~~the~~ rule, a combined seniority list of Open Line Casual Labour and Project Casual Labour is not permissible.

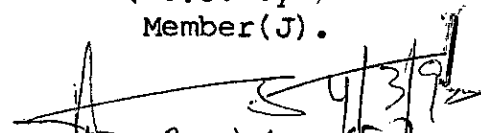
4. We have examined the case and heard the learned counsels for the rival sides. We have examined ^{separately} another case which is similar to this, ~~separately~~ and the points involved are the same. We have pronounced the judgment separately today in O.A.No.1054/91. Since the facts and circumstances are similar to that case, we pass the same order in this case also.

5. Under these circumstances, we find no reason, particularly in the absence of any statutory rule requiring a combined seniority list, to interfere and we accordingly dismiss the application with no order as to costs.


(R. Balasubramanian)
Member(A).


(C. J. Roy)
Member(J).

Dated 12th February, 1992.


Registrar (S).

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

DATED: 12-2-1992

ORDER/JUDGMENT:

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

in

O.A.No. 1055/91

T.A.No.

W.P.No.

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/ Rejected

No order as to costs.

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