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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1102/91.

Dt.of Decision : 4-10-94.

1. Nimmala Dhana Bhujanga Rao
2. Koya Amma Rao
3. Ravinder Reddy
4. Punyala Gurava Reddy
5. Yarabarla Hari Koteswara Rao
6. Valluru Vijaya Kumar
7. Kaja Sambasiva Rao
8. Bhemineni Subrahmanyeswara Babu
9. Sudadasi Daniel Theddora

.. Applicants.

Vs

1. Chief Personnel Officer,
SC Rly, Secunderabad.
2. General Manager, SC Rly,
Secunderabad.
3. Ministry of Railways rep. by
its Secretary, Railway Board,
New Delhi.
4. M. Hemant Kumar
5. V. Rajendar
6. P.V. Ravindranath
7. S. Prakash Rao
8. V. Venkateswarlu
9. B. Chander Rao
10. A. Ram Mohan Rao
11. K. Venkatachalaiah

.. Respondents.

Counsel for the Applicants : Mr. V. Rama Rao

Counsel for the Respondents : Mr. V. Shimanna, Addl. CGSC.
Mr. N. Raghavan for R6.

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 I

J U D G E M E N T

Heard Shri V. Rama Rao, learned counsel for the applicant and also the learned counsel for the Respondents.

2. This OA was filed praying to direct the Respondents to maintain ^{single} common seniority list for all the Asst. Catering Managers in the entire South Central Railway, and the applicants may be given their respective position in the said seniority list based on their place in the selection merit list published in August, 1982, to direct the Respondents to promote the applicants to the post of catering Managers from the date of promotion of their next juniors with all consequential benefits including payment of arrears, seniority and further promotions, and to declare the action of the Respondents in promoting R4 to R 11 to the posts of Catering Managers ignoring the seniority and entitlement of the applicants for the said promotion as arbitrary and illegal.

3. The facts which give rise to this OA are as under:

The South Central Railway was formed in 1966. It was formed by carving out Hyderabad and Secunderabad divisions from the Central Railway and Hubli, Vijayawada and Guntakal divisions from the Southern Railway. Then 2 separate seniority lists in regard to Asst. Catering Managers of the erstwhile Central Railway and Southern Railway.

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were prepared as
 / some difficulty was being experienced for
 integration of the Asst. Catering Managers
 drawn out from the two Railways i.e. Central
 Railway and Southern Railway.

4. Subsequent to the formation of South
 Central Railway, Asst. Catering Managers were
 being recruited on the basis of the selection
 by Railway Recruitment Board and they were being
 allotted to the respective divisions in South
 Central Railway. But instead of preparing common
 seniority list of Asst. Catering Managers working
 in all these 5 divisions in South Central Rail-
 way in regard to those who were recruited subse-
 quent to the formation of South Central Railway,
 they were being shown in the respective seniority
 list of the erstwhile Central Railway and
 Southern Railway divisions. The respective
 seniority lists were being followed for the pur-
 pose of promotion as Catering Managers in res-
 pect of vacancies arising in the erstwhile
 Central Railway divisions i.e. Hyderabad and
 Secunderabad divisions and erstwhile southern
 Railway divisions i.e. Vijayawada, Hubli and
 Guntakal divisions. Then it is noticed that
 those who are lower to them as per merit rankings
 and or who were selected later were promoted as
 Catering Managers in Hyderabad and Secunderabad
 divisions while they were being continued as
 Asst. Catering Managers in the erstwhile
 Southern divisions i.e. Hubli, Vijayawada and
 Guntakal divisions. Being aggrieved, they
 filed this OA.

After this OA was filed, common ...4
 seniority list of Asst. Catering Managers in all
 the 5 divisions in South Central Railway was
 published in February, 1993.

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5. It is stated that the applicants 2,4 to 7 and 9 were given promotion as Catering Managers in April, 1994. It is also stated that as disciplinary enquiries are pending against the applicants 1,3&8, they are not given promotions as Catering Managers.

6. It is urged for such of those applicants who were promoted as Catering Managers in April, 1994 that they have to be given promotion from the date the respective juniors as per the ^{original} selection list were given promotion with all consequential benefits including the monetary benefits, seniority and further promotions.

7. It is submitted that as R4 to R 11 were promoted as Catering Managers even by the date the integrated seniority list of Asst. Catering Managers was published in February, 1993, their names were not shown in the said seniority list.

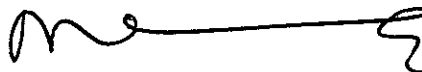
8. As it is now conceded for R1 to R3 that the Zone is the seniority unit in regard to the cadre of Asst. Catering Managers, the seniority list of Asst. Catering Managers has to be prepared in regard to atleast all the Asst. Catering Managers who were recruited after the formation of the South Central Railway on the basis of their rankings as per the select list and those who were selected at the time of former selection have to be placed above those who were selected at the time of later selection. On the basis of such seniority list, the date of promotion of the respective applicants i.e. 2,4 to 7 and 9 has to be advanced from the date the respective junior was promoted

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as Catering Manager and if any such junior was promoted to the next higher post, the case of such applicants for promotion to the next higher post has to be considered and such of the applicants who have to be selected to the next higher post as per this order should be given notional promotion to the said higher post from the respective dates on which his respective junior was promoted. Such of those ^{applicants} whose promotions have to be advanced or promoted to next higher posts are entitled to all the consequential benefits including seniority. But the Monetary benefit has to be given from 1-11-1990 (This OA was presented on 22-11-91).

9. It is needless to say that in case the applicants 1,3 & 8 are going to be exonerated, their cases also have to be considered as stated above. But they are entitled to the seniority in the category of Asst. Catering Managers on the basis of the seniority list that has to be prepared in accordance with the directions in this order.

10. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 4th October, 1994
Open court dictation

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Dy Registrar(Judl)

Copy to:-

1. Chief Personnel Officer, South Central Railways, Secunderabad.
2. General Manager, South Central Railways, Secunderabad.
3. Ministry of Railways rep. by its Secretary, Railway Board, New Delhi.
4. One copy to Mr. V. Rama Rao, Advocate, 3-6-779, Himayatnagar, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hqd.
6. One copy to Mr. N. Raghavan, Advocate, for R-6.
7. One copy to Library, CAT, Hqd.
8. One spare.

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