

(87)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.970/92.

Date of order : 23.10.1996.

Between

1. K.Chandraiah
2. J.Ramuloo
3. G.S.Somasundaram
4. Ali Hussain
5. D.Laxmaiah
6. Dasarath
7. K.Krishna
8. B.Ramuloo
9. Venkat Narsaiah
10. Easwaraiah
11. Ramdass
12. C.S.Sathyanarayana
13. Jai Prakash Rao

.. Applicants

And

1. Chief Personnel Officer,  
S.C.Rly., Secunderabad.
2. Divl. Rly. Manager(MG)/SC,  
S.C.Rly., Secunderabad.
3. Sr. Divl. Personnel Officer(MG),  
S.C.Rly., Secunderabad.
4. Sr. Divl. Mechanical Engineer(MG),  
S.C.Rly., Secunderabad.
5. D.Y.Satyanarayana
6. N.Hanumaiah
7. K.Narsingarao
8. P.Pentaiah
9. K.Krishna.B,
10. B.Narsingarao
11. K.Ramulu
12. T.Yadaiah.L,
13. Krishna Jhon
14. Chilakalu
15. K.Sammaiah
16. K.Pochaiah
17. Chandraiah.B,
18. Ram Raj
19. Balu Charan

.. Respondents

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Counsel for the Applicants .. Shri S.Lakshma Reddy

Counsel for the Respondents .. Shri V.Rajeswara Rao,  
SC for Rlys.

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C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman *hik*

Hon'ble Shri H.Rajendra Prasad : Member(A)

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Order

(Per Hon'ble Shri Justice M.G. Chaudhari : Vice-Chairman)

The O.A. was filed on 28.10.92 by the 13 applicants. Some of them were working at that time as Diesel Assistants, some were working as Ist Fireman and some were working as Goods Driver. Respondents No.5 to 9, 13, 14, 16, 17 and 19 were working as Diesel Assistants whereas Respondents No.10 to 12 were working as Shunting Drivers and Respondents No.15 and 18 were working as Ist Fireman. The applicants were initially engaged as casual labourers in the year 1967 and had in course of time progressed to the posts in which they were working. In pursuance of a decision of this Tribunal in T.A.No.881 of 1986 dated 18.4.1988 the seniority position of Respondents No.5 to 8 was revised and their names were interpolated at the appropriate place in the seniority list. On that basis they were promoted on proforma basis w.e.f. 17.6.83 and were designated as Ist Fireman w.e.f. 1.1.86 as per IV Pay Commission award. The organised labour had raised a claim that the promotion of II Fireman to Fireman 'B' was operated against the higher grade vacancies of Fireman 'A' and as such they should be promoted as Fireman 'A' from 17.6.83. After a discussion at the PNM meeting it was decided that promotion orders be issued for 223 employees on 17.6.83 in which 158 vacancies were of Fireman 'A' and 65 vacancies thereof of Fireman 'B' and it should be treated as promotion to Fireman 'A' instead of Fireman 'B' for 158 vacancies duly observing the 40 point roster. Hence a revised order of promotion was issued in the year 1991. The applicants were promoted as Fireman 'B' w.e.f. 17.6.83 against the vacancies of Fireman 'B' and whenever required they officiated as Fireman 'A' in the exigencies of service. They were however not entitled to claim regular promotion as Fireman 'A'.

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The applicants did not file any representation disputing the correctness of the decision taken at the PNM meeting. They did not even file any objection to the revised seniority list which was prepared after the decision of the Tribunal and the seniority position of Respondents No.5 to 8 was revised. Thus, the impact of the decision of the Tribunal and the revised seniority list was to make the Respondents No.5 to 8 senior to the applicants. The decision of the Tribunal has become final and no contrary view can be taken in the present application. The steps taken by the <sup>respondents -</sup> applicants appear to have been taken in consultation with the Labour Union at the PNM meeting and in accordance with the directions contained in the order of the Tribunal. The grievance of the applicants made in the application is nothing but to say that a different method should have been adopted which is however not permissible in view of the earlier decision and the revised seniority position of Respondents No.5 to 8.

2. The applicants have raised the contention <sup>about the</sup> ~~that they~~ continued representation given to the SC/ST employees. The reply however reveals that the roster points have been operated. Hence the grievance of the applicants <sup>cannot be</sup> ~~seems to be~~ entertained. We therefore find no ground on which the relief as prayed can be granted to the applicants, <sup>it</sup> ~~it~~ being that the order dated 19.3.91 relating to filling of vacancies of Fireman 'A' be quashed in so far as Respondents No.5 to 19 are concerned and to treat the applicants as promoted as Fireman 'A' and to direct the seniority list to be revised.

3. In the result, the O.A. is dismissed. No orders as to costs. Interim orders stay vacated.

  
( H. Rajendra Prasad )  
Member(A)

  
( M.G. Chaudhari )  
Vice-Chairman.

Dated: 23.10.1996.

Dictated in Open Court.

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Deputy Registrar (D) CC.