

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*\*

O.A. No. 1018/92.

Dt.of Decision : 97-10-95.

1. S.Vittal
2. S.Krishna
3. S.Bikshapathy
4. D.Bellaiah
5. F.A. Yesudas
6. B.P.Narsingaoo
7. Riaz Mohd. Khan
8. Syed Habeeb Ali
9. Y.Krishna
10. S.Krishna
11. P. Sailu
12. K.Narayan.V.

.. Applicants.

Vs

1. Divisional Rly. Manager (MG) Division,  
SC Rly, Secunderabad.
2. Sr.Divl. Personnel Officer,  
SC Rly, MG, Secunderabad.
3. Sr. Divl.Mech. Engineer, (MG)  
SC Rly, Secunderabad.
4. D.Y.Satyanarayana

.. Respondents.

Counsel for the Applicants : Mr. S.Lakshma Reddy

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

(32)

O.A.No.1018/92

Dt. of decision: 27-10-1995.

JUDGEMENT

{ As per Hon'ble Sri Justice V.N.Rao, Vice Chairman }

Heard the counsel for both the parties.

2. These applicants were initially engaged as casual labour in the Railways and they attained temporary status on 1-11-67. The Railway Board issued O.M. dated 7-5-83 whereby Para 2511 of the I.R.E.M. was amended which came into <sup>the</sup> effect that for the purpose of seniority, the service from the date of regularisation, but not from the date of attainment of temporary status, has to be reckoned. The question has arisen as to whether the said O.M. is prospective or retrospective. The A.P. High Court held in W.P.No.4058/82 that the same is prospective and hence a direction was given to the Railways to consider the service from the date of attainment of temporary status in regard to those who <sup>were</sup> engaged prior to the date of O.M. <sup>in</sup> 7-5-83 for fixing ~~of~~ seniority. <sup>For implementing</sup> ~~Basing on~~ the judgements in various W.Ps and the OAs, the seniority list, <sup>were</sup> ~~was~~ revised only with reference to the applicants in the WPs and the OAs by taking into consideration <sup>the</sup> ~~from~~ service from the date of attainment of

To

1. The Divisional Railway Manager(MG) Division,  
S.C.Rly, Secunderabad.
2. The Sr.Divisional Personnel Officer,  
S.C.Rly, MG, Secunderabad.
3. The Sr.Divisional Mechanical Engineer, (MG)  
S.C.Rly, Secunderabad.
4. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm


temporary status. But in some Divisions seniority list was revised only in regard to those who were in the cadre of Fireman-II, and those who were already promoted to the higher posts were not given that benefit.

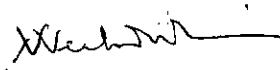
3. In O.A.1133/91 we held that the benefit of the judgement in W.P.No.4054/82 and the various O.As in which the same was followed has to be extended to the seniors to those applicants in the respective Divisions.

4. It is stated for the applicants herein that they are not given the benefit of the judgement in W.P.No.4054/82 on the ground that they were empanelled for promotion to the higher posts even by the date of publication of the revised seniority list.

5. Hence, for the reasons stated in O.A.1133/91, it is just and proper to give a direction to the respondents to revise the seniority of such of these applicants in the cadre of Fireman-II, if any one who attained temporary status later to the date of attainment of temporary status of the applicants got higher placements in the revised seniority list of Fireman Gr.II and <sup>consequently in</sup> Gr.I, on the basis of consideration of service from the date of attainment of temporary status for reckoning seniority in the grade of Fireman Gr.II.

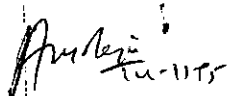
6. The O.A. is ordered accordingly. No costs. //

  
(R. Rangarajan)  
Member (A)

  
(W. Neeladri Rao)  
Vice Chairman

Open Court dictation  
27-10-1995

kmv

  
Deputy Registrar (3) cc

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

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(A)

DATED: 27-10-1995

~~ORDER/JUDGMENT~~

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

in

O.A.No.

1018/92

T.A.No.

(W.P.No.)

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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