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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

OA.1049/92

Date of order:27-3-95.

1. Sk.Raseol Peera

2. G.Malyadri

.....

Applicant.

Vs.

1. Senior Divisional Personnel Officer, South
Central Railways, Vijayawada.

2. Senior Divisional Commercial Superintendent,
South Central Railways, Vijayawada.

Counsel for the Applicant. Mr.G.V.Subba Rao, Advocate.

Counsel for the Respondents: Mr.V.Bheemanna, Addl.CGSC.

CORAM:

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

HON'BLE SHRI R.RANGARAJAN , MEMBER ADMINISTRATIVE.

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri G.V.Subba Rao, learned counsel for the applicants and Sri V.Bhimanna, learned Standing Counsel for the respondents.

2. The two applicants herein joined as Casual Labour Hamals in South Central Railway, Vijayawada Division and they were granted temporary status with effect from 18.11.1981 and 5.11.1981 respectively. They were appointed on regular basis on 6.10.1987 and 30.3.1989 respectively under Chief Parcel Supervisor, South Central Railway, Vijayawada. They appeared for selection for Group 'C' posts of Ticket Collectors against 33 $\frac{1}{3}$ % quota. A total of 221 Group 'D' employees had appeared for written test for the Ticket Collectors posts held on 10.10.1992 and 42 employees including the applicants have been qualified in the written test. The names of these 42 were arranged in order of seniority on the basis of the date of absorption in the grade of Group 'D' on regular basis. The applicants were placed at Sl.No.37 and 42. The senior-most 28 employees were selected in viva-voce and they were empanelled vide letter dt. 18.11.1992 bearing No.B/P.531/1/TC Vol.V (page-8 of the material papers filed with the OA).

3. The contention of the applicants is that their seniority should be counted from the date they attained temporary status i.e. with effect from 18.11.1981 and 5.11.1981 respectively and on that basis if they have been empanelled for the post of Ticket Collector, they would have been placed in the empanelment list much higher than 37 and 42. They represented their case on 13.11.1992 to

to take into consideration of their seniority from the date of grant of temporary status and assign them the seniority accordingly in the panel of 42 employees who qualified in the written test for Ticket Collectors conducted on 31.10.1992 and sent them for Ticket Collectors training. But this was rejected stating that their seniority can be counted only from the date of their regular ☐ absorption and not from the date when they were granted temporary status.

4. Aggrieved by the above, they have filed this OA praying for a declaration that non-inclusion of the applicants in the panel of Ticket Collectors without taking their service seniority from the date of attainment of temporary status is illegal and for a further direction to recast the panel determining their eligibility for selection with all aspects viz. written test, viva-voce, seniority which constitute the total merit for empanelment.

5. At the time of hearing, learned counsel for the applicant fairly submitted that in view of the judgment of the Apex court in [1993(1) SLR 550 - Smt. V.Kameshwari Vs. UOI and Ors.], the seniority of Casual Labourer has to be reckoned only on the basis of the date of their regular absorption in temporary/regular cadre after the required selection/screening. However, he further submitted that this Tribunal in OA No.829/91 and batch ☐ had held that in units where the seniority list is revised to some of the employees who belong to that unit in pursuance of orders in various WPS/TAS/OAs, granting them seniority from the date they attained temporary status, the seniority of

the applicants in those OAs also had to be revised to reckon their services for the purpose of seniority from the date on which their temporary status has been confirmed. In view of the decision of this Tribunal in the above said OA, the seniority of the applicants herein may also be revised if revision of seniority had taken place in the seniority unit of Hamals under Chier Parcel Super-
visors, South Central Railway, Vijayawada due to the directions given for some of the employees in WPs/TAs/OAs to grant them seniority from the date of their attaining temporary status. If the seniority of the applicants is revised on that basis, he further submitted that the applicants may be empanelled as per the recast seniority for the post of Ticket Collector for which examination was held on 10.10.1992. Their names may be interpolated in the empanelment list for the Ticket Collectors in 1992 examination ~~select list if they come~~ within the select list of 28. As the applicants are already selected for the post of Ticket Collectors in the later selections, their seniority has only to be upgraded by interpolation in the select list of Ticket Collectors dt. 18.11.1992 for which examination was held in October, 1992.

6. In view of the directions given in OA 829/91 and batch on the file of this Tribunal, a direction as prayed for above in para-5 supra will be in order. The learned counsel for the respondents also do not have any objection to give a direction as above.

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7. In the result, the following directions are given:-

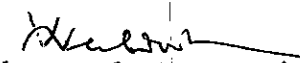
(i) If in the seniority unit of Group 'D' staff under Chief Parcel Supervisor, South Central Railway, Vijayawada, the seniority list in respect of some of the employees had been revised granting them seniority from the date they attained temporary status in pursuance of the orders in various WPs/TAs/OAs the seniority of the two applicants ^{has to} herein ~~may~~ also/be revised granting them seniority from the date they attained temporary status. If the seniority is revised as above and if they come within the number of Ticket Collectors to be empanelled on the basis of the examination held on 10.10.1992 they should be empanelled in that selection itself and their position in the select panel is suitably interpolated taking into account their recast seniority and grade as obtained by them in the selection. If in pursuance of the above order the names of the two applicants are going to be interpolated in the select list dt. 18.11.1992 names of none of the empanelled candidates in the above said list shall be deleted. As it is stated for the applicants that the applicants are already working as Ticket Collectors on the basis of the selection held later, their seniority in the cadre of Ticket Collectors has to be upgraded on the basis of the interpolation in the select list for the examination held on 10.10.1992 ^{for which} ~~and~~ the select list published on 18.11.1992. They are entitled for incremental arrears if any to be paid to them due to advancing of their date of entry into the grade of Ticket Collectors only from the date they actually shouldered the higher responsibility of the Ticket Collectors post.

(ii) In case the seniority list of the Group 'D' employees under the Chief Parcel Supervisor, South Central Railway, Vijayawada had not undergone any change the

seniority of the applicants herein has to be counted only from the date they were regularised as Group 'D' employees in that unit in which case their names cannot be interpolated in the select panel for which examination was held on 10.10.1992 and the select list published on 18.11.1992. In that event this OA stands dismissed.

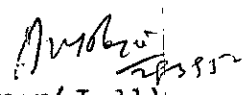
8. The OA is ordered accordingly. No costs.


(R. Rangarajan),
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 27th March, 1995.

Grh.


Dy. Registrar (Judl).

Copy to:-

1. Senior Divisional Personnel Officer,
South Central Railways, Vijayawada.
2. Senior Divisional Commercial Superintendent,
South Central Railways, Vijayawada.
3. One copy to Mr. G. V. Subba Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. V. Bheemanna, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare.

kku.

04.1049/92

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COMPARED BY
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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 27-3-1995.

ORDER/JUDGMENT:

M.A./P.A./C.A.No.

O.A.No. 1049/92 in

T.A.No. (W.P.)

Admitted and Interim direction issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

No spare copy

Central Administrative Tribunal
DESPATCH
7 APR 1995
HYDERABAD BENCH