

(49)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.1052/92.

Date of Judgement 5.3.1993.

1. T.Venkataramana
2. D.Phillips
3. T.Anand
4. Chunilal
5. M.Giri Raju .. Applicants

Vs.

1. Chairman, Railway Board,
New Delhi.
2. General Manager,
Personnel Branch, S.C.Rly.,
Secunderabad.
3. Controller of Stores, S.C.Rly.,
Secunderabad.
4. Supdt., Printing & Stationery,
S.C.Rly., Secunderabad.
5. Y.Naganand,
Compositor (Skilled),
Tkt. No.723, Proposed candidate
for regularisation,
Tkt. Ptg. Press, Composing Section,
S.C.Rly., Secunderabad. .. Respondents

Counsel for the Applicants :: Shri S.Ramakrishna Rao

Counsel for the Respondents :: Shri K.Ramulu, SC for Railways

CORAM:

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

Hon'ble Shri T.Chandrasekhara Reddy : Member (J)

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

This application has been filed by Shri T.Venkataramana & 4 others against the Chairman, Railway Board, New Delhi & 4 others under section 19 of the Administrative Tribunals Act, 1985 with a prayer to quash the order No.9/E/92 dt. 20.8.92 by which the 5th respondent was inducted into the Ticket Printing Press (T.P.Press for short).

2. The applicants are working in the T.P.Press of the S.C.Rly., from various dates between 9.12.62 and 28.1.81. Applicants 1, 2 and 3 are working in the cadre of High Skilled Grade II and

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Applicants 4 and 5 are working in the Skilled category. It is averred that the T.P. Section was formed in October, 1967 and this section is being treated as a separate unit for the purpose of seniority and promotions. Any induction of other staff into the T.P. Section after the said date is stated to be wrong. A notification was issued calling for volunteers to fill vacancies in the T.P. Section on transfer basis vide memo dt. 23.4.68 and it was made clear therein that the staff volunteering for transfer to the T.P. Section will seek their seniority and promotion in the T.P. Section only. Accordingly, all the employees so transferred to the newly formed T.P. Section had been given seniority for further promotion in the T.P. Section cadre only from the date of joining the T.P. Section. At the time of formation of the T.P. Section, volunteers were called for by the Asst. Supdt., (Printing & Stationery) from among semi-skilled and unskilled cadres only and that too it was stipulated that they will be selected after passing the requisite trade test. While so, the Supdt., S.C.Rly., vide order dt. 3.12.90 had ordered promotions and postings, transferring the 5th respondent who is a skilled worker to the T.P. Section giving the reasons "As per his own request against the vacancy". The seniority of the 5th respondent is maintained at the General Printing Section which is a separate unit. Aggrieved, the applicants represented against it. Instead, the 4th respondent went ahead further and regularised the 5th respondent in the skilled category in the T.P. Section. Having failed to get the required relief from the respondents the applicants have filed this O.A.

3. No counter has been filed by the respondents.
4. We have heard Shri S.Ramakrishna Rao and Shri K.Ramulu for the rival sides. Shri S.Ramakrishna Rao relied on the judgement dt. 28.2.90 in O.A.No.750/88. On going through the judgement we find that the facts and circumstances of that case are entirely different from the one before us. In the case before us, R5 was

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as stated by the applicants
not ~~inducted into~~ the T.P. Section, causing injury to the
applicants who were already there. His ~~transfer to~~ the
T.P. Section was at ~~the~~ personal request of ~~R5~~ and that was
on a bottom seniority basis. The rules provide for bottom
seniority transfer from one unit to the other (Rule 312 of
Indian Railway Establishment Manual Vol.I). Under these
circumstances, we do not find any illegality whatsoever
in the action of the respondents and accordingly dismiss
the application with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

T.Chandrasekhara Reddy

(T.Chandrasekhara Reddy)
Member(J),

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Dated: 5th March, 1993.

8293/93
Deputy Registrar(J)

To

1. The Chairman, Railway Board,
New Delhi.
2. The General Manager, Personnel Branch,
S.C.Railway, Secunderabad.
3. The Controller of Stores, S.C.Rly, Secunderabad.
4. The Superintendent, Printing & Stationery,
S.C.Rly, Secunderabad.
5. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
6. One copy to Mr.K.Ramulu, SC for Rlys, CAT.Hyd.
7. One spare copy.

pwm.

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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. NEELADRI RAO : V.C.

AND ✓

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

AND ✓

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND ✓

THE HON'BLE MR. ✓

DATED: 6 - 3 - 1993

ORDER/JUDGMENT:

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

in
C.A. No. 1052/92

T.A. No.

(W.P. No.)

Admitted, and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

