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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1117/92.

Dt. of Decision : 27-10-95.

- | | |
|---------------------|--------------------|
| 1. Gariappa | 14. D.Yadagiri |
| 2. M.Parasuram | 15. N.Narsing Rao |
| 3. Abdul Shuker | 16. N.Narsa Reddy |
| 4. B.Mallesha | 17. Yellaiah |
| 5. Kristi Sebastian | 18. Mohd.Asquar |
| 6. Akram Khan | 19. R.Narsing Rao |
| 7. M.Rajareo | 20. Y.Rami Reddy |
| 8. D.Yadagiri | 21. T.Jagadeesh |
| 9. Mohd. Younus | 22. Sukkaiah |
| 10. T.Ramulu | 23. V.P.Eshwaraiah |
| 11. R.Rajaiah | 24. B.Rajaiah |
| 12. C.Laxmaiah | 25. R.Rajaiah.C. |
| 13. Md.Sughan Khan | |

.. Applicants.

- | | |
|--|-----------------------|
| 1. Divisional Railway Manager(MG)
SC RLY,(Hyd) Secunderabad. | |
| 2. Sr. Divl. Personnel Officer (MG)
SC Rly,(Hyd), Secunderabad. | |
| 3. Sr. Divl. Mech. Engineer (MG),
SC Rly,(Hyd), Secunderabad. | |
| 4. M.Radaga | 16. T.Kistaiah |
| 5. A.Lingaiah | 17. G.R.V.Saikumar |
| 6. C.H.Ramuloo | 18. R.N.Ramchander |
| 7. Pandurang Shanker | 19. S.P.Venkateshan |
| 8. P.Rajaiah | 20. M.Solomon |
| 9. R.S.Krishna Kumar | 21. M.D.Dawood Ali |
| 10. Laxmaiah Kurmaiah | 22. Md. Jahangiruddin |
| 11. T.N.Reddy | 23. Syed Jahangir |
| 12. V.Venkat Rao.N. | 24. Syed Yousuf |
| 13. Suresh Ganpathirao | 25. K.Durgeswamy |
| 14. M.A.Baqui | 26. Yellaiah Oshaiah |
| 15. Syed Abdul Hameed | 27. S.Anand Muttaiah |

.. Respondents.

Counsel for the Applicants : Mr. S.Lakshma Reddy

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.

CORAM:

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

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

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O.A.No.1117/92

Dt. of order: 27-10-1995

JUDGEMENT

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

Heard the counsel for both the parties.

2. This O.A. was filed praying for a direction (1) to R-1 to R-3 to revise the seniority of the respondents No.4 to 27 correctly vis-a-vis ~~of~~ the applicants on the basis of ^{date of} ~~his~~ appointment. (2) to direct the respondents No.1 to 3 to promote the applicants on pro forma basis as Fireman-C Gr.I in the scale of Rs.260-350 w.e.f. 1-1-84 over and above R-4 to R-27, and (3) to direct the respondents 1 to 3 to refix the pay of the applicants on par with the juniors i.e. R-4 to R-22 in the grade of Rs.260-350 with all consequential benefits.

3. It is now submitted by the learned counsel for the applicants that this O.A. is not pressed in regard to claim of the seniority and they are not challenging the seniority list of II Fireman which was published on 30-11-88, and hence the O.A. in regard to ^{the} extent of that claim has to be dismissed.

4. The only other point that has to be considered is ^{as to} whether the applicants have to be given the benefit of notional pay in the pay scale of Fireman-C Gr.I (Rs.260-350)

To

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

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with effect from the date on which the respective juniors got the benefit of that scale. It is evident from the pleadings for the applicants in OA 1018/92 that the employees who got the benefit of higher placements in pursuance of the judgements in the various writ petitions on the file of A.P. High Court, and the OAs in this Tribunal, ^{due to} ~~on the basis of~~ the direction that the seniority list has to be prepared by taking into consideration the date of attainment of temporary status but not the date of regularisation, were given notional pay from the date on which the respective junior got the benefit of pay in the pay scale of Rs.260-350 -Fireman-C Gr.I, and the same was not challenged in the said O.A.

5. Hence, it is just and proper to direct the respondents to give the notional pay in ^{its} ~~that~~ scale of Rs.260-350 in the grade of Fireman-C Gr.I from the date the respective junior as per the seniority list of II Fireman which was published on 30-11-88 got the benefit of notional pay in that scale; and the monetary benefit has to be given from 1-12-91, ~~As~~ this O.A. was filed on 27-11-^{and} ~~92~~ ^{is} this Tribunal limiting the monetary benefit from one year prior to the date of filing of the O.A.

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

(R. Rangarajan)
Member (A)

(V. Neeladri Rao)
Vice Chairman

Open Court Dictation
27-10-1995

kmv

Deputy Registrar

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI
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.

1117/92

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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No spare copy

