

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO. 1121/92

DATE OF JUDGMENT: 24-4-95

BETWEEN:

S. S. Dhanaraj
Shaik Abdul Mazeed
Shaik Abdul Razak

: Applicants

and

1. Union of India, rep. by
GM, SC Rly
Rail Nilayam
Secunderabad

2. Dy. Chief Mech. Engr.
Carriage Repair Shop
SC Rly. Tirupati

: Respondents

COUNSEL FOR THE APPLICANT: SHRI G. Ramachandra Rao, Advocate

COUNSEL FOR THE RESPONDENTS: SHRI J.R. Gopala Rao
Sr./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MFMER (ADMN.)

CONTD...

calling for options in the prescribed form from the staff working in the Tirupathy shop for allotment of trade of their choice. The manner in which the allotment of trades as per their options will be considered, has been spelt out in that notification. It appears that by the time the applicants joined the Tirupathy shop in August, 1991 the category of General Fitters or Fitters in the Millwright shop had already been filled up by the optees who had given option earlier and hence the applicants herein though preferred for their posting as General Fitter/Fitters in Millwright shop, they could not be given the trade of their choice but were given the trade of Painter/Trimmer as there were vacancies in that trade at that time.

6. It is not denied that the applicants herein were relieved to join Tirupathy shop only in August, 1991. It is also not denied that their juniors in the seniority list of Khalasis in Tirupathy shop were given the trade of their choice in General Fitter/Fitter category in Millwright shop. Just because the applicants joined late due to administrative reasons they were given the trade of Painter/Trimmer as there were no vacancies in the category of General Fitter/Fitter in Millwright shop after they have submitted their options for allotment of the trade of General Fitter/Fitter in Millwright shop on their joining in Tirupathy shop. The applicants herein should not be deprived of their opportunity to progress in the category of General Fitter/Fitter in the Millwright shop for no fault of the applicants.

7. It is now stated by both sides that the avenue chart for the shop had already been finalised and the cadres had also been closed long ago. In view of the existing position at this distant date if the applicants are transferred and

(28)

Applicant No.1 represented on 16.12.1991 for the above change, and applicant No.2 on 10.2.1992 and applicant No.3 on 14.5.1992. These representations/followed by several reminders. As the applicants did not receive any response, they filed this OA for a direction to the respondents to change their trade as General Fitters/Fitters in the Millwright Shop in the Carriage Repair Shop, Tirupathy as per their option with all consequential and attendant benefits.

3. The main contention of the applicants is that those who opted for Carriage Repair Shop, Tirupathy later than them but relieved earlier to join Tirupathy shop were as Fitters in the Millwright shop, given the trade of their choice. Even some of their juniors in Millwright shop were posted to a trade of their choice/as they had joined earlier to them in the Tirupathy shop. Hence, it is their contention that they should have been given preference to allot the trade of their choice viz. General Fitter or others and Fitter in the Millwright shop in preference to/their juniors who had joined Tirupathy shop earlier to them.

4. The respondents in their counter affidavit have stated that as the applicants were junior-most in the order of preference for the trade allotment, there was no choice except to consider them for the trades to the extent of vacancies in the specified trades available and there is no arbitrariness as alleged by the applicants. It is further stated by the respondents that all the three applicants have been allotted the trades based on the seniority, order of preference and availability of vacancies.

5. R-2 issued notification bearing No.TR/P-529/Mech. dt. 5.1.1990 (Annexure-II filed along with counter affidavit)

: 5 :

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

All the three applicants herein should be posted as General Fitter/Fitter in Millwright shop, CRS, Tirupathy in the next arising vacancies against direct recruitment quota as per their inter-se seniority provided they pass the necessary trade test at the first instance. Their seniority in the category of General Fitter/Fitter in Millwright shop has to be counted from the date they actually join as General Fitter/Fitter in Millwright shop. Their pay in the Millwright shop has also to be protected when the change of trade is offered to them if they are already drawing the pay higher than the minimum of the pay in the category of Skilled Fitter.

10. The OA is ordered accordingly. No costs.

TO BE TRUE COPY
 6. S. M. S. B. Rao
 Date 22/5/85
 Commr Officer
 Central Ad. List Ad. Tribunal
 Hyderabad 16
 Hyderabad.

10

1. The General Manager, South Central Railway, Railnilayam, Secunderabad
2. The Deputy Chief Mechanical Engineer, Carriage Repair Shop, South Central Railway, Tirupathy.
3. One copy to Mr.G.Ramachandra Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr.J.R.Gopal Rao, Addl.CGCC, CAT, Hyderabad.
5. One copy to Library, C.T, Hyderabad.
6. One copy to spare.

YLKR

T.C.
Usman

Consult for the Approach

Recd. by.....	OA No. 1121/92
Date of Recd.	24.6.95
Copy to Mr. 6.7.95	
.....	

Abdullah
 24.6.95 (1)