

(82)

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

C.A.NO. 627/92.

DATE OF JUDGMENT: 18-07-95.

BETWEEN:

A.D. Koteswara Rao

.. Applicant.

AND

1. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
2. The Chief Engineer, (Open Line),
SC Rly, Secunderabad.
3. The Chief Track Engineer,
SC Rly, Secunderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI

P.Krishna Reddy

COUNSEL FOR THE RESPONDENTS: SHRI

N.R. Devaraj,

Sr./2001.CGSC.

CORAM:

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

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.).

J U D G M E N T

[as per Hon'ble Sri R.Rangarajan, Member(Administrative)]

Heard both the learned counsels.

2. The applicant herein joined Secunderabad Division of South Central Railway as Works Maistry in Civil Engineering Department with effect from 16.11.1965. He was promoted as Assistant Inspector of Works in the grade of Rs.425-700 with effect from 14.9.1972. In the year 1974 the Tie Tamping Machines were introduced in Railways for better maintenance of Railway tracks. For operating these machines, Tamping Machine Organisation came into existence under the control of the Civil Engineering Department. For operating the machines, ex-cadre posts were created and appointments were made thereto from the existing staff working in various departments of South Central Railway who volunteered to work on these posts. The applicant also volunteered and by order dt. 11.11.1974, he was appointed as Chargeman in the grade of Rs.425-700^{and} with effect from 6.6.1977, he was promoted as Assistant Foreman in the grade of Rs.550-750. He got yet another promotion with effect from 25.1.1980 when he was posted as Foreman in the grade of Rs.700-900. This appointment was, pending regular selection. Regular selection was held on 1.11.1980^{and} the applicant was successful at the said selection. On 24/27.10.1986, the Chief Personnel Officer, South Central Railway, issued a circular addressed to some officers of the department on the subject "Formation of Track Machine Organisation-Civil Engineering Department".

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This order also laid down scheme for absorption of existing staff. The existing staff was required to give option for absorption. Those who did not opt for absorption were to be repatriated to their parent departments. The applicant opted to remain in the Track Machine Organisation. Thereafter, order of their absorption was issued on 15.9.1987. In this order, the designation of the applicant Koteswara Rao in his parent department is shown as IOW, Gr.III, Scale Rs.425-700(RS). The post on which he had been absorbed in the Track Machine organisation is shown as Assistant Foreman in the scale of Rs.550-750(RS). In the remarks column, it is mentioned "Officiating as Foreman, scale 700-900(RS). He will be reverted as and when the post is filled up as a regular measure".

3. The applicant was aggrieved by his absorption on the post of Assistant Foreman. His plea was that he was entitled to be absorbed on the post of Foreman on which post he had been working continuously since 25.1.1980. He accordingly filed OA No.698/87 in this Tribunal seeking a direction to the respondents to treat the post held by him viz. Foreman in the grade of 700-900, as a regular post and that he is holding the same on regular basis from the time of his regular selection in the Civil Engineering department. But, he did not press that application on the ground that he expected relief from the department itself in view of the Judgment in OA 733/87 on the file of this Tribunal.

4. He appeared for selection to Group 'B' posts and he was declared passed in the written examination. In the integrated seniority list issued, he was given the place


To:-

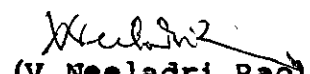
1. The Chief Personnel Officer,
S.C.Railway, Railnilayam, Secunderabad.
2. The Chief Engineer, (Open Line)
S.C.Rly, Secunderabad.
3. The Chief Track Engineer, S.C.Rly,
Secunderabad.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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at S.No.201 and also in the list of candidates qualified in the written examination he was shown at S.No.29 without counting his service as Foreman in the grade of Rs.700-900 from the date of his initial promotion to that grade from 25.1.1980. Hence, he has filed this OA praying for a direction to the respondents to reckon the seniority in the post of Foreman in the Track Machine Organisation from the date on which he was regularly recruited to the ex-cadre post of Foreman in the said organisation i.e. 25.1.1980 and not from the date of his absorption i.e. 1.11.1986 and for a further direction to grant him all consequential benefits such as promotion to the next higher posts on the basis of the said seniority.

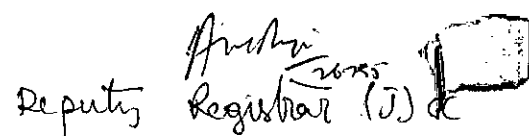
5. The O.A.No.491/92 filed by the applicants therein, who were similarly placed as the applicant herein, was disposed of by this Bench on 18.7.1995. The contentions of the applicants therein are same as in this O.A. and their prayer is also to count seniority from the date they were absorbed in the higher grade posts on adhoc basis in the Track Machine organisation. But that OA was dismissed on the basis of the answer given to our queries raised in OAs 491/92 and 627/92 by the Full Bench in the order dt.14.7.1995. In view of the above, this OA is also liable to be dismissed for the same reasons and accordingly it is dismissed. No costs.//


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 18th July, 1995.

Grh.


Deputy Registrar (J) &

THPED 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

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 18/7 1995.

ORDER/JUDGMENT:

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

OA.No. in 627/92.

TA.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

No Spare Copy

