

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

R.A. No. 72 of 1994

in

C.A. No. 767 of 1992

Between:

V. D. Badi

--Applicant/Applicant

AND

Union of India represented
by its Secretary (Establishment), Rly. Board, Rail Bhavan,
New Delhi and 2 others

--Respondents/
Respondents

COUNTER-AFFIDAVIT FILED ON BEHALF OF RESPONDENTS No. 1 & 2.

I, A.S.R. Anjaneyulu s/o A.V. Subbarao, aged about 49 years, Occupation: Govt. Service, resident of Secunderabad; do hereby solemnly affirm and state as follows.

2. I am working as the Statistics & Analysis Officer in South Central Railway, Secunderabad and therefore, well-acquainted with the facts of the case. I am filing this Counter-affidavit on behalf of Respondents 1 and 2 as I am authorised to do so. I have gone through the Review Application. The contentions and allegations made therein are hereby denied save those that are specifically admitted hereunder.

3. I submit that the statement of facts mentioned in para-1 of the R.A. are not disputed.

4. In reply to para-2 of the R.A. it is submitted that the Hon'ble Tribunal examined the Roster Book showing the reservation points and promotions given

Page No.1

Attestor
Attestor

Deponent
Deponent 23/11/94

Received pl
for V.D. Badi
24-11-94

19

to SC/SF candidates which is maintained by the Respondents-Railway Administration for all the categories of staff in the Data Processing Centre and was satisfied with the correctness of the entries made therein vide para-9 of the judgment dated 22.8.94 in O.A 767/92. Hence the contention of the Applicant that the Roster Book is a manipulated one is incorrect and cannot be accepted. There is no new fact or legal evidence produced to disbelieve the same either.

5. With regard to para-3 of the R.A. it is submitted that as per Seniority List published on 1.8.1984, the date of entry of Sri V.Bhaskaran, Respondent No.3 herein, to the grade B.550-750 (RS) was given as 1.12.72 for the reason that the Authorised Scale of General Supervisor in grade B.335-425 (i.e., II-Pay Commission) was first revised as B.425-700 and later operated in grade B.550-750 in the Revised Scales (i.e., III-Pay Commission effective from 1.1.1973). The Applicant's contention that Respondent No.3 herein who was Scheduled Caste employee, was promoted in a leave vacancy for 46 days is not supported by relevant records and therefore, cannot be accepted.

6. The Applicant further contended in para-4 of the R.A. that the category of Console Operator is an Ex-cadre post in the E.D.P. Cadre in support of which he annexed the seniority list of Console Operators published and circulated vide Communication No.STT/P.612/DPC dated 12.11.1984 issued by the Statistical Officer of the E.D.P.Centre. It is submitted that the category of Console Operator is not an ex-cadre post in the EDP Centre nor is there any indication to that effect in the seniority list *ibid*. The further contention of the Applicant that Respondent No.3 herein was promoted as General Supervisor in grade B.550-750 (RS) in leave vacancy for 46 days and reverted from 2.5.1976 is refuted as the same is not supported by records including Service Register to this effect.

Attestor
Attestor

Dependent
Dependent 23/11/94

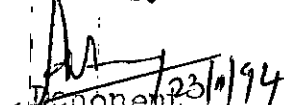
20

7. The points raised in para-5 of the R.A. need no remarks since the reply was already given in the Counter-affidavit filed in O.A.No.767/92 and it is reiterated that the representation dated 17.10.1991 purported to have been submitted by the Applicant was not received in the Office of the Respondents-Railway Administration.

8. The repeated contention of the Applicant in para-6 of the R.A. that the Roster Register is a manipulated one is refuted and it is once again submitted that the same is genuine which is maintained for all categories of E.D.P. Centre.

9. In reply to para-7 of the R.A., it is submitted that Respondent No.3 herein was promoted as per Roster point which fell due for SC community as already explained supra. The seniority list mentioned by the Applicant consists of 8 pages. In Page-1 of this list, the Respondent No.3 herein was shown as having entered the Grade of General Supervisor in scale Rs.550-750 (RS) with effect from 1.12.72. The grade of General Supervisor was in scale Rs.425-700 (RS) before 1.6.1979 i.e., lower than the grade of Console Operator (Rs.550-750). The entry against Sl.No.6 in page No.8 of the seniority list only reveals that Sri Bhaskaran, Respondent No.3 herein was officiating in Console Operator's Grade i.e., scale of pay Rs.550-750(RS) w.e.f. 7.9.78. The Applicant was fitted in the grade of Rs.550-750 (RS) against restructured posts with effect from 1.1.1984 as was already brought in para-3 of the judgment dated 22.8.94 in O.A. 767/92 which is therefore undisputable. It is evident that the applicant can by no means supercede Respondent No.3 since Respondent No.3 was promoted earlier to the Applicant and is therefore, senior to the latter in that grade. Consequent to this inter-se seniority, Respondent No.3 was promoted to scale Rs.700-900 (RS) as Data Processing Superintendent (revised scale Rs.2000-3200 in IV-Pay Commission with effect from 1.1.86) from 1.8.1984 whereas the Applicant was promoted as such from 31.5.1985. Therefore, there is neither irregularity nor illegality in the inter-se seniority and promotions to the Respondents No.3 and Applicant. It is therefore submitted that the contentions and allegations made in the R.A. are vexatious.


Attestor


Respondent 23/1/94

List in the first court today

Central Administrative Tribunal
Hyderabad Bench

R.A no. 72 of 1994

O.A no. 767 of 1992

Between:

V. D. Badi ... Applicant

And

Union of Indagathi Respondent

Counter Affidavit --
Filed on behalf of Respondent

Filed by

J. R. Gopala Rao
S.C for Railways

Counsel for Respondents



8
25/11/94

May be filed
As
24/11/94