

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A. 129/93

Dt. of order: 18.09.1995

Between

1. GMBK Rao
2. P.J.Kantharaj
3. R.Rajan
4. M.Chandrasekharan
5. M.Rajeshwar Rao
6. S.Venkateswarlu

.. Applicants

and

1. Secretary to Govt and Ex-Officio Chairman, Railway Board, New Delhi.
2. General Manager, SCRly, Rail Nilayam, Sec'bad.
3. Divisional Rly Manager, SCRly, Vijayawada.
4. Sr.Divisional Personnel Officer, SCRly, Vijayawada

.. Respondents

Counsel for the Applicants :: Mr K.S.R.Anjaneyulu

Counsel for the Respondents :: Mr N.R.Devraj, Sr.CGSC

CORAM:

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

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

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ORDER

As per Hon'ble Shri Justice V.Neeladri Rao, Vice-Chairman

Heard Shri K.S.R.Anjeneyulu, learned counsel for the applicant and Shri N.R.Devraj, Standing Counsel for the respondents.

2. This OA was filed praying for a declaration that the provisional seniority list of Passenger Guards circulated under Sr.Divisional Personnel Officer, SCRly, Vijayawada letter No.B/P 512/VI dated 5.7.91 and consequent promotions ordered vide DRM,SCRly, Vijayawada, letter No.B/P 535/VI/7/Vol.7 dated 8.7.1992 and letter No.B/P 535/VI/7/Vol.7 dated 4.12.1992 as void and unconstitutional as they are not in conformity with the rules, in as much as, the reservation points of SC/ST according to 40 Point Roster have not been followed and faithfully implemented, and to quash the provisional seniority list and consequent promotions as untenable and unsustainable and for further direction to the respondents to recast the seniority list by giving due seniority to the applicants in this OA by implementing 40 point roster with all consequential benefits such as promotion to the post of Mail Guard and all other benefits giving them due seniority.

3. By the date of this OA which was filed on 12.2.1993, all the six applicants in this OA were working as Passenger Guards. Some of those who are in the provisional seniority list dated 5.7.91 of passenger guards, were promoted as Mail Guards and also as per orders dated 8.7.92 and 4.12.1992. But those promotees were not impleaded as
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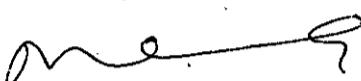
47

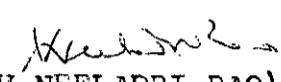
-3-

parties to this OA, even though they are necessary parties, in view of the relief claimed in this OA.

4. Hence, this OA is liable to be dismissed on the ground of non-joinder of necessary parties. ^{So} Hence, we are not advertizing to the merits ^{in a general way} ~~of~~ this OA.

5. In the result, the OA is dismissed. No costs.//


(R. RANGARAJAN)
Member (Admn)


(V. NEELADRI RAO)
Vice Chairman

Dated: The 18th September, 1995

Dictated in the open court


Deputy Registrar (J) CC

mvl

To

1. The Secretary to Govt. and Ex-Officio Chairman, Railway Board, New Delhi.
2. The General Manager, S.C.Rly, Railnibayam, Secunderabad.
3. The Divisional Railway Manager, S.C.Rly, Vijayawada.
4. The Sr. Divisional Personnel Officer, S.C.Rly, Vijayawada.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT.Hyd.
6. One copy to Mr. N.R. Devraj, SC for Rlys. CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

and

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

DATED:- 18-9-1995.

ORDER/JUDGMENT.

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

in

O.A.No. 129/93.

T.A.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.

pvm.

No Spare Copy

