

446

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA. 1607/93

dt. 2-1-97

Between

Mohd. Thajuddin : Applicant

and

1. Superintendent (P&S)
SC Rly., Secunderabad 500371

2. Chief Personnel Officer
SC Rly., Rail Nilayam
Secunderabad 500371

3. B. Rajamallesha
Fitter HSI, Ticket Ptg. Press
SC Rly., Secunderabad 500371

4. S. Radhakrishna Murthy
Fitter/HSI, Ticket Ptg. Press
SC Rly., Secunderabad 500371 : Respondents

Counsel for the applicant : G.V. Subba Rao
Advocate

Counsel for the respondents : K. Siva Reddy
SC for Railways

CORAM

HON. MR. B.S. JAI PARAMESHWAR: MEMBER : (JUDL.)

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Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (A))

Heard Sri G.V. Subba Rao and Sri K. Siva Reddy for the parties.

The applicant was appointed as Khalasi in the South Central Railway Printing Press at Secunderabad on 1-5-1957. He was promoted as Junior Binder in the Semi skilled grade on 7-6-1960. He was promoted as Ticket Printer in Skilled grade Rs.110-180 with effect from 7-6-68 vide letter No. PSC/E.23 dt.7-6-68. At serial No.5, the name of the applicant figures in that letter. By office order No. P/^{list} Stores/694/Sangh/LVII/15 dt.30-10-91 combined seniority of Fitters of General Printing unit and Ticket Printing unit was ordered by R-2. As per the combined seniority list the applicant was shown at Sl.No.3 as can be seen from the Annexure to the letter No.PSC/8/Pt.XI/C-99 dt.20-2-93 of the OA. The applicant submitted that he joined as Ticket Printer in the scale of pay of 110-180 on 7-6-1968, whereas R-3 and R-4 came to that grade later than him. Hence when a combined seniority list of Fitters of General Printing unit and Ticket Printing unit is issued, the date of entry skilled into the grade should be determining factor for deciding seniority position. As R-3 and R-4 came to the skilled category later than ~~to~~ him he should not be shown below them but he should be shown above them. In the meantime, the applicant as well as R-3 and R-4 were promoted to the higher grades of Fitter Grade II and Grade I. By Office order No.17G/E/93 vide No.PSC/E/SA/Fitter & Mech/C-99 dt.28-4-93 was further promoted as MCM in the grade of Rs.1400-2300. The applicant submits that he should have been promoted to the

grade of MCM as he is senior to R-3 due to the fact that he came to skilled category earlier to R-3. The applicant is reported to have submitted representations for correcting seniority also. But it is stated that those representations were not replied.

2. This OA is filed praying for a direction to the respondents to set aside the impugned office order dated 28-4-1993 by holding it as illegal, arbitrary and for a consequential direction to promote him fixing his seniority as per the date of entry in the grade of skilled fitter.

3. The main contention of the respondents in this OA are two fold. They are :

i) The applicant was a Head Printer which post cannot be treated as equivalent to Fitters grade and hence when the seniority of Fitters of General Printing Unit and Ticket Printing unit were combined the applicant was shown rightly cadre R-3 and R-4 belong.

ii) The applicant was made as Fitter in the General Printing unit as a Mechanic which is equivalent to Fitters category and as the applicant came into that category later than R-3 and R-4 he was rightly shown as junior ~~in~~ the combined seniority list.

We have heard both the parties. Notice has been issued and received also by R-3 and R-4 but no reply has been filed by R-3 and R-4 nor they ^{and} were represented by their counsel. Their names were called out but found absent.

In view of the above, the OA is disposed of on the basis of the material available on record and after hearing the ~~Plaintiff~~ ~~Plaintiff and the~~ ~~Opposite party as well as the other~~ respondents.

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The first contention is that the Head Printers category though in the same skilled pay scale cannot be treated as equivalent to Fitters in the General Printing Press. But there is no such remark mentioned either in the letter dated 30-10-1991 of the CPO, R-2 herein, nor in the combined seniority list issued by the proceedings dated 20-2-1993. By office order No.24/82 dated 9-8-1992 the applicant was posted as Mechanic/Fitter on the same pay scale and grade in the Ticket Printing press against a sanctioned post. This portion of the office order pertaining to the applicant reads as follows :

"2. Sri Md. Tajuddin, T.No.410, Ticket Printer Grade Rs.260-400(RS) is posted as Mechanic/Fitter on the same pay and grade in Ticket Printing Press against a post sanctioned vide CPO/SC letter LrnNo.135/Stores/SPS/Vol.IV, dated 22-6-1982."

Even while issuing this order No.24/82 it has not been stated that the applicant will get the seniority in the Mechanic/Fitter grade only from the date he joined as Mechanic/Fitter in the Ticket Printing Press. In the absence of any material available on record that the Ticket Printer though in the skilled grade has to be treated as junior to the Fitters in the General Printing Press and the seniority of the applicant in the cadre of Fitter can only be given from the date he tookover as Mechanic/Fitter in Ticket Printing Press, ^{the} ~~his~~ lowering of ^{the} seniority in the combined seniority list cannot be said to be correctly prepared. No record is produced except verbal assertions in this connection by the respondents. Such verbal assertions cannot be taken on face value to decide a seniority dispute. Hence, we reject this contention.

The second contention has already been explained above. The contention that his seniority in the Fitter category will

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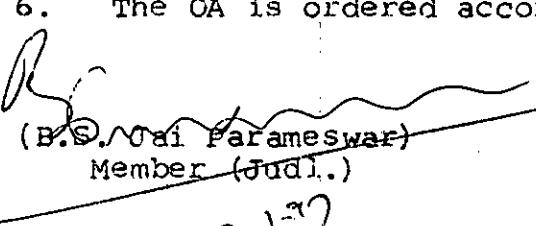
take effect only from the date he joined as Mechanical/Fitter in the Ticket Printing Press cannot be accepted in view of what is stated above. Hence, this contention has no legs to stand.

4. In view of what is stated above, we are therefore convinced that the applicant should get seniority in the pay scale of skilled category from 7-6-1968 i.e. the date on which he was promoted as Ticket Printer in the grade of Rs.110-180 in the Ticket Printing Press and on that basis his seniority in the higher grade has to be fixed subject to fulfilment of other conditions such as passing of the Trade test to grade II and Grade I in the first instance.

5. In the result, the following direction is given :

The date of entry of the applicant in the skilled Fitter category should be shown as 7-6-1968 and on that basis his seniority in the higher grade has to be fixed subject to the condition that he passed necessary Trade Test for promotion to the posts of Skilled Grade II and Grade I in the first instance. His promotion to the next higher post higher to Grade I should be considered on the basis of the direction given as above for fixing seniority.

6. The OA is ordered accordingly. No costs.


(B.S. Vai Parameswar)
Member (Jud.)

2-1-77


(R. Rangarajan)
Member (Admn.)


A. M. S. Iyer

"Dictated in Open Court

~~Urgent~~ 7/1/97 9/1/97

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR
M(J).

ORDER/JUDGEMENT

~~1607/93~~ P.M.A. NO.

P.O.A. NO. 1607/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
~~ALLOWED~~

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

II COURT

