

68

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA 836/94

Date of Order: 5.5.97

BETWEEN :

1. C.Sankarappa	39. D.Muniah
2. P.Venkata Naidu	40. T.Lingaiah
3. Shaik Sha Vali	41. N.Guruvachari
4. K.Krishnaiah	42. P.Venkatesu
5. G.Lakshminarayana	43. J.Swamidasu
6. B.Anwar Usman	44. T.Venkatesu
7. I.Naganna	45. S.Md.Khasim
8. P.Lalu Saheb	46. G.Pandurangadu
9. Kari Basappa	47. G.Kullayappa
10. M.Babu Rao	48. Govindulu
11. M.Karunakar	49. K.Balaiah
12. S.Bashu	50. Chinna Narasaiah
13. M.Lurthu Nathan	51. D.Krishna Murthy
14. A.Anthony Swamy	52. B.Anjinaiah
15. Abdul Latheef	53. P.Narasimhulu
16. B.Anjaneyulu	54. P.Chennaiah
17. R.Lakshmi pathi	55. Sk.Ahmed
18. Raja Saheb	56. T.Adappa
19. Ameer Ali	57. A.Gnana Prakasam
20. N.Govindu	58. Syed Shafi
21. K.Venkataramudu	59. S.N.Ravi
22. D.Balaraj	60. K.Devaswamy
23. Kamumanthu Ulligadu	61. S.N.Bhaskar Babu
24. G.Yellaiah	62. M.Ramanna
25. V.Lakshmaiah	63. K.Kristappa
26. S.Krishna Naik	64. A.Ekambaram
27. S.Fakruddin	65. A.Satya Kumar
28. K.L.Narasimhulu	66. Ramanjaneyulu
29. S.K.Bashu	67. M.Sundaram
30. G.Venkateswarlu	68. S.Masthan
31. S.Saikumar	69. Ramudu
32. C.A.Anthony Raj	70. Bheemappa
33. Sibolakjadab	71. J.Shadrackaraj
34. B.Adinarayana	72. B.Eswinaudhakar
35. Govindulu	73. J.Nagendra
36. Nagappa	74. Sk.Mahaboob
37. K.Mohan Rao	75. S.Narappa
38. G.Narayana	76. P.Rahim Khan ... Applicants.

AND

1. The General Manager, S.C.Rly.,
Secunderabad.
2. Divisional Railway Manager,
S.C.Rly., Guntakal.
3. Sr. Divisional Personnel Officer,
S.C.Railway, Guntakal. ... Respondents.

Counsel for the Applicants

.. Mr.S.Lakshma Reddy

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

Fr

D

CORAM:

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

JUDGEMENT

Oral orders as per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Mr.S.Lakshma Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. There are 76 applicants in this OA. They are working in various grades such as Fitters, Boiler Maker, Turner, Steam Pointsmen etc. as indicated in the causetitle. at Loco Shed Guntakal. It is stated that there are about 250 workmen in the above category. But only 76 of them have approached this Tribunal. It is stated that the applicants can be divided into skilled, semiskilled and unskilled workers. Further the skilled category consists of Skilled Gr-I, Gr-II and Gr-III. The skilled category mainly consisted of Fitters and Boiler makers. Due to modernisation of steam locoshed, the same was closed w.e.f. 30.4.94 and all the workmen in the steam locoshed had become surplus. It is stated that they were deployed in various units of Mechanical Branch of South Central Railway Guntakal and some of them in other branches also. It is stated that they have submitted filed letter to R-3 for giving their willingness to get absorbed in the transferred unit and provided their pay and seniority is were protected. One such letter dt. 28.4.94 is enclosed as Annexure to MA.879/94 in this OA.

3. The applicants in this OA fear that they will be absorbed in the initial grade in the bottom seniority without carrying for the representation and their pay also will not be protected in the absorbed unit.

TC

✓

4. This OA is filed for a direction to the respondents to act as per Railway Board's letter No. E(NG)II-84/RE-I/10 in R.B.E.No. 106/89 dt. 21.4.89 by protecting the seniority and pay and promotional prospects in the new unit/departments to which they are transferred.

5. In this OA, MA.297/97 was filed for amendment of the prayer to the effect that the proceedings No. E(NG)II-84/RE-I/10 in R.B.E.No.106/89, dt. 21.4.89 whereby protection of pay fixation ^{was} which they ^{are} drawing before the absorbing date is ~~denied~~ ^{indicated} denied. A notice was issued in this MA on 4.4.97. Reply has been filed on this MA on 2.5.97. As per the submissions in this reply it is seen that the impugned proceedings G/B-524/III/C&W/Vol.II dt. 1.10.96 was withdrawn. The applicants are allowed to draw their pay they were holding before redeployment vide proceedings No.G/P.524/III/C&W/Vol.II, dt. 2.5.97 as per the order ^{was} passed in MA.879/97 in this OA. In view of the above submission the applicant's pay has been protected by the order dt. 2.5.97. Hence the prayer that ~~their~~ pay should be protected has been complied with. The order dt. 2.5.97 passed ~~though in the MA it~~ is equally applicable to the prayer in this OA.

6. The second prayer in this OA is that their seniority should be protected. In page-5 para-7 of the reply it has been stated as follows:

"In view of the above circumstances, in the absence of specific posting orders from Railway Administration to surplus staff their presumption about postings is baseless, and the OA filed by petitioners is pre-matured. Therefore it is prayed Hon'ble Court, the OA may please be dismissed".



71

.. 4 ..

7. The respondents themselves by their submission as extracted above state that the case of seniority dispute is not decided yet, and hence approaching the Tribunal for deciding the seniority is premature. In view of the above both sides have agreed a direction may be given to the respondents to decide the seniority dispute in accordance with law and in accordance with the Board's directions with the Rly. / in this connection.

8. In view of the above R-3 is directed to fix the seniority of the applicants in the absorbed cadre on transfer in accordance with the instructions issued by Board from time to time and in accordance with the law. Time for compliance is 4 months from the date of receipt of a copy of this order.

9. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

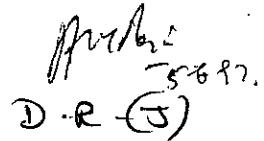

(R. RANGARAJAN)
Member (Admn.)

5597

Dated: 5th May, 1997

(Dictated in Open Court)

sd


D.R. (S)

self
17/6/97

(6)

HYD

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
AND

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

DATED: 5/5/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

D.A. NO. 836/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

मेंट्रल एडमिनिस्ट्रेटिव ट्रिब्युनल
Central Administrative Tribunal
मेंट्रल /DESPATCH

13 JUN 1997

हैदराबाद अधिकारी
HYDERABAD OFFICE