

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.Swamidasm |
| 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.Lakshmipathi | 55. Sk.Ahmed |
| 18. Raja Saheb | 56. T.Adappa |
| 19. Ameer Ali | 57. A.Gnana Prakasham |
| 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

Jr

[Signature]

(69)

CORAM:

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

- - -

J U D G E M E N T

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

- - -

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, Pointsman etc. as indicated in the causetitle. ^{Steam} 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 ^{were} and provided their pay and seniority ^{is} 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 ^{Caring} carrying for the representation and their pay also will not be protected in the absorbed unit.

Je


✓

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 which they ^{were} ~~are~~ drawing before the absorbing date is ^{indicated} ~~denied~~ ^{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 ^{and on that basis was} ~~as per the order~~ 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, ^{that the} Hon'ble Court, the OA may please be dismissed".





.. 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 Rly. / in this connection.

8. In view of the above R-3 is directed to fix the seniority of the applicant 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.)

5/5/97

Dated: 5th May, 1997

(Dictated in Open Court)

sd


5/5/97.
D.R. (S)

882
17/6/97
6
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

O.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.

YLK7

II Court.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal अवकाश/DESPATCH 13 JUN 1997 हयदराबाद प्रमुख HYDERABAD PRINCIPAL
--