

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH AT HYDERABAD.

O.A.No.1128/94.

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Date: 6--6--1997.

Between:

M.Venkata Rao, .. Applicant.

and

1. The Divisional Railway Manager (P)
(B.G.) S.C.Railway, Secunderabad.
2. Senior Divisional Engineer (coordination)
B.G.South Central Railway, Secunderabad.
3. Assistant Engineer (General B.G.)
South Central Railway, Secunderabad.
4. M.Vijaya Kumar.
5. Ghouse Mohammad Ali.
6. Rama Swamy Bhimaiah.

Respondents.

Counsel for the applicant:

Sri P.Krishna Reddy.

Counsel for the respondents:

Sri K. Siva Reddy.

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (J).

JUDGMENT.

(per Hon'ble Shri R. Ranga Rajan, Member (A))

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Heard Sri P.Krishna Reddy, learned counsel for the applicant and Sri K.Siva Reddy for the respondents. Though notice was issued to Respondents 4 to 6 on 26-10-1994, they have neither appeared in person nor engaged their counsel to argue their case.

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~~Compass within~~
The short ~~campus~~ in which the case falls is

as follows:

The seniority list of Khalasis Helpers under BRI. Secunderabad was published in Annexure IX as on 1--12--1984. In the said seniority list the applicant was shown as Senior to Respondents 4 to 6. Another seniority list was issued by Notification dated 4-11-1991. In the said Notification, the respondents 4 to 6 were shown as seniors to the applicant by changing the date of entry in the cadre of Khalasis of the Respondent Nos., 4 to 6. It is stated that Respondents 4 to 6 were transferred from other Department to work under BRI Secunderabad at their request. In the seniority list published on 4-11-1991 (Annexure VII) the applicant was shown as Junior to Respondents 4 to 6 taking into consideration the entry of the private respondents to Class IV posts initially.

The applicant submits that his date of entry as Khalasi is 19--6--1968 i.e., earlier to the private respondents 4 to 6. Hence ⁱⁿ the earlier seniority list issued as per Annexure VIII, he has been shown correctly above the private respondents. Somehow his seniority was lowered down in the seniority list issued on

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4--11--1991(Annexure VII to the O.A.)

The applicant further explains that the three private respondents came to the BRI(BG) Secunderabad Unit from other Departments. Hence, their seniority was to be shown from the date of their entry into the Grade in the B.G.Bridge Unit in Secunderabad B.G.Division. He submitted a representation dated 13-11-1991(Annexure VI to the O.A.,) for correction of the seniority as issued in terms of the Memorandum No. C/P/564/Staff/Engg/Vol.IV dated 4-11--1991 of the Divl. Rlyr, Manager(P)/BG/SC (Annexure VII to the O.A.). In this representation he submitted that the private respondents were transferred to BRI/KZJ from other departments accepting bottom seniority as Khalasis and they were shown as juniors in the seniority list published on 12--6--1985. He submitted that in the seniority list dated 4-11--1991 the private respondents 4 to 6 were wrongly shown as seniors to him. The respondents submit that the said representation is not received by them.

This O.A., is filed praying for a direction to use Respondent Nos., 1 to 3 herein to revise the seniority list of respondents 4 to 6 taking into consideration of their

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entry into the Unit of BRI., Secunderabad South and continue the seniority of the applicant over the respondents 4 to 6.

The representation dated 13--11--1991 though reported to have been not received by the learned counsel for the respondents, the learned counsel for the applicant produced the endorsement of the respondents in the copy of the representation of the applicant wherein the BRI acknowledged the receipt of his representation dated 13-11-1991. Hence, it cannot be said that the respondents have not acknowledged the receipt of the representation wherein the applicant has raised his objections to the provisional seniority list dated 4-11-1991. That representation still remains to be disposed of. Hence, it is essential that the respondents should dispose of the representation dated 13.11.1991 of the applicant in accordance with law.

In this connection we would like to observe as follows:

The date of regularisation is the basis for counting the seniority of an employee in a Unit in which he is working. If after regularisation in one such unit, when an employee at his request comes on transfer to another unit, then his seniority is governed by the date of entry into the Department or Unit

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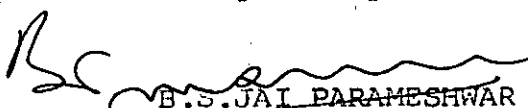
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to which he was transferred on request.
 This rule is in accordance with the IREM.
 If two employees mutually exchange their
 seats in different departments, IREM
 clearly indicate the rules for fixing
 seniority of the mutual transferees."

It appears that the respondents have failed to consider
 the objections made by the applicant to the effect that the
 private respondents came to the BRI Unit accepting the bottom
 seniority and hence they cannot be shown seniors to him in
 the BRI Unit. This has to be checked up from the service
 records and on that basis the seniority of the applicant
 vis-a-vis the private respondents should be decided.

The learned counsel for the applicant submitted that
 he would send a copy of the representation of the applicant
 dated 13--11--1991 to the 2nd respondent for ready reference
 forthwith.

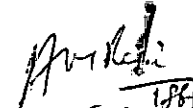
With the above directions, the O.A., is disposed off.
 Time for compliance three months from the date of receipt of a
 copy of this Judgment by the respondents. No costs.


 B.S. JAI PARAMESHWAR
 MEMBER (J)


 R. RANGARAJAN
 MEMBER (A)

Date: 6--6--1997.

Dictated in open Court.


 D.R. (J)

25/7/97 (7)

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: 6/6/97

ORDER/JUDGEMENT

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

in

O.A. NO. 1128/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as Withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेजण/DESPATCH
4 JUL 1997
हदरबाद बेंच
HYDERABAD BENCH