

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.1439/94.

Date of decision: October 13, 1997.

Between:

1. Venkataiah.	11. Nandya.
2. B.Ramaswamy.	12. Chandraiah.
3. R.Venkateswarlu.	13. Peddulu.
4. Manikyam	14. Uppalaiah.
5. Ramanna.	15. Mallaiah.
6. K.Venkataiah.	16. Vishwanath.
7. B. Balaiah.	17. Ilaiah.
8. P.Komaraiah.	18. Nagamallu.
9. Veeraswamy.	19. D.Rajamallu.
10.K.Yadagiri.	20. Ellaiah.
	21. Erareddy. 22. Balaiah.
	23. B.Chandramouli. 24.Ramaiah.
	27. Kattaiyan. <sup>~</sup> <del>M</del> ~sh.

AND

1. The Railway Board represented by its Secretary,  
-- Rail Bhavan, New Delhi.  
-- Rail Nilayam, Secunderabad. Central Railway.  
3. The Divisional Railway Manager, S.C.Railway (B.G)  
Secunderabad.  
4. The Senior Divisional Mechanical Engineer,  
Diesel Loco Shed, S.C.Railway, Kazipet.

Respondents.

Applicants: Sri P.Krishna Reddy  
Counsel for the respondents: Sri D.F.Paul.

CORAM:

Hon'ble Sri K. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT:

(per Hon'ble Sri R.Rangarajan, Member (A))

... Sri Krishna Reddy for applicants and  
Sri D.F.Paul for the respondents.

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There are 27 applicants in this O.A. It is stated that they are all working as Break Down Staff under the Senior Divisional Mechanical Engineer (Diesel) Kazipet, the Respondent No.4 herein. The facts of the case are as follows:

The applicants were initially working in the Steam Loco Shed, Khazipet. Due to closure of Loco Shed, at Kazipet, the applicants herein were initially transferred to work under TXR, Kazipet in the year, 1980. Thereafter, they were transferred to the Unit of the Senior Divisional Mechanical Engineer (Diesel Loco Shed) (Respondent No.4 herein) at Kazipet in the year, 1992 on administrative grounds. It is further stated that all of them had put in 27 to 32 years service. They submit that they are entitled for carrying their seniority position which they entitled in Steam Shed to the transferred Unit for the purpose of future promotions when they were transferred to Diesel Loco Shed to work under the Respondent No.4 and on that basis their seniority should have been interpolated in the transferred Unit, namely, Diesel Shed and they should have been given the upgradation and further promotion in that Unit as per that interpolation. The applicants further submit that number of juniors were also sent to other

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Units and their seniority was interpolated in the transferred units as submitted by them as above and hence they got promotion earlier to the applicants to the higher Grades. Since their juniors are enjoying better promotional benefits, the applicants' prayer in this O.A., ~~to~~ to interpolate their seniority in the Unit of Respondent No.4 be granted and Promote them accordingly.

This O.A.. is filed praving for a direction to the respondents to implement the re-structuring orders/benefits on their seniority either in the Unit of the Respondent No.4 or in any of the other Units in the South Central Railway.

A reply has been filed in this O.A. The reply is the applicants. However, from the reply it is seen that the respondents have not decided to give them upgradation/re-structuring benefits with effect from 1-3-1993 in the Diesel Shed cadre since their seniority has not been interpolated and the applicants were redeployed in the Accident Relief Train Unit. It is finally stated that the re-structuring of the cadre as on 1-3-1993 in the ART Unit had already been implemented and the applicants had obtained the benefits of restructuring in that Unit. The respondents further submit

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that wherever a few limited members of the staff were transferred to the other Units, their seniority is interpolated taking their original seniority in the Steam Loco Shed. When there is a mass redeployment, the seniority is kept as a separate entity/Unit. In the present case, as the applicants were transferred en masse, their seniority cannot be interpolated either in Diesel Shed Unit or in any other units. They were treated as a separate Unit in the ART Unit. On that basis they were also given the upgradation benefits in accordance with the instructions issued from the Railway Board. Hence, the respondents submit that the applicants have no grounds to come to this Tribunal.

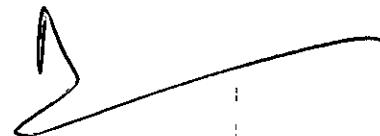
particulars of their juniors who were transferred to the other units where original seniority was maintained. In the absence of such ~~.....~~, ~~.....~~ that their juniors were given the seniority as mentioned above, cannot be considered in this O.A. Further, the just because they were asked to work in the Diesel Unit in some capacity or other. However, they have been absorbed in the ART cadre enmass, maintaining their seniority as a separate Unit, without disturbing their seniority which

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they possessed in the Steam Loco Shed. It is also stated that the applicants had been given the upgradation benefits by Office Order No.8/EL/97 under Lr.No. CP.487. Re-structuring/Vol.II dated 27-2-1997 in the ART Organisation but not with effect from 1-3-1993. It is not understood why the upgradation benefits cannot be given from 1-3-1993 when they were absorbed in ART Unit and were entitled for restructuring benefits in accordance with the Board's letter. No cogent reason has been given in the reply for not giving them the ~~-----~~ cannot be given that benefit from any other date other than what is provided for in the Railway Board's letter. Hence the restructuring benefits granted to them should be given from 1-3-1993 in accordance with Board's letter. The applicants cannot be allowed to languish without any further promotional process. Hence a Scheme should also be formulated for giving them promotion to higher grades. Such a scheme should be formulated and informed to the applicants within three months from the date of receipt of a copy of this Order.

In the result the following directions are

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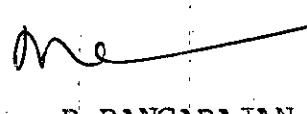


given:

i) The applicants should be given the upgradation benefits with effect from 1-3-1993 in the ART Unit.

ii) A Scheme for improving their further promotional benefits should be formulated and informed to the applicants within three months from the date of receipt of a copy of this Order.

  
B.S.JAI PARAMESHWAR,  
13.10.97 MEMBER (J)

  
R.RANGARAJAN,  
MEMBER (A)

Date: October 13, 1997.

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Dictated in open Court.

sss.

  
D.R (J)

22/10/97

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TYPED BY  
COMPILED 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: 13/10/97

ORDER/JUDGMENT

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

in  
O.A.NO. 1439/94

Admitted and Interim Directions

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अदायक बयान  
Central Administrative Tribunal  
प्रेषण/DESPATCH

21 OCT 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH