

31

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

DA.1443/94

decided on : 6-12-94

Between

1. M. Parthasarathy
2. Ramchander
3. Iyliah
4. Abdulwahab
5. G. Yadagiri
6. Augaiah
7. Bhoomaiah
8. Pentaiah
9. Tuljaram
10. G. Narsimha
11. Smt. Saheedanchiman
12. Narasimha
13. C. Narayana
14. G. Yadagiri

: Applicants

and

1. General Manager
SC Railway, Rail Nilayam
Secunderabad
2. Divl. Railway Manager (MG)
SC Rly, Hyderabad Divn. at
Secunderabad

3. The Divl. Engr (Central)
Hyderabad Meter Gauge
Hyderabad Divn. at
Secunderabad

4. SC Rly, Hyderabad Divn. at
Secunderabad

5. Chief Inspector of Works / M/Hqrs.
SC Rly Meter Gauge
Hyderabad Divn. at
Secunderabad

: Respondents

Advocate

Counsel for the respondents : N.R. Devaraj, SC for
Railways

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

1. Ar

(32)

O.A.No.1443/94

Dt. of decision: 6-12-94

ORDER

(As per Hon'ble Justice Sri V. Neeladri Rao, V.C.)

This O.A. was filed praying for a direction to the respondents to revise the seniority list for reckoning the seniority from the date of attaining temporary status instead of from the date of regularisation as held by this Tribunal in T.A.No.560/87 in O.A.No.89/89.

2. It was held by the Lordships of the Supreme Court in SMT. M. KAMESHWARI Vs. U.O.I. & ORS. 1993 (1) SLR 550 SC that the amendment to Para 2511(a) of IREM is retrospective, and hence the seniority even in regard to the casual labourers who attained temporary status, even prior to the date of the said amendment has to be reckoned only from the date of regularisation and not from the date of attaining temporary status.

3. It is not the case of the applicants herein that in the seniority unit in which they worked/are working, reckoned from the date of attaining temporary status on the basis of judgement of this Tribunal or High Court.

4. We also held by order dt.2/4-11-94 in O.A.No.930/91 that the claim on the basis of Arts. 14 and 16 of the Constitution that they too should be given the benefit of the judgement in another proceeding, even when the principle underlying it was not approved by

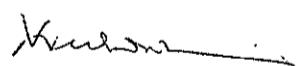
(33)

the Supreme Court. The principle underlying the judgement in T.A.560/87 and O.A.No.89/89 was not approved by the Supreme Court in Smt. M. Kameshwari's case by holding that the amended Para 2511(a) lays down that the seniority has to be reckoned in regard to the casual labourers in Railways from the date of regularisation and not from the date of attaining temporary status is retrospective and the said amendment is applicable even in regard to those who attained temporary status even before the date of that amendment.

5. But it is represented that some of these applicants retired from service, and half of the period of service from the date of attaining temporary status till date of regularisation, as envisaged under the rules, was not taken into consideration for fixing their pension. If it were so, such of those applicants can make representation to the competent authority to that effect, and if they are going to be aggrieved by the order to be passed by the competent authority, they are free to move this Tribunal U/s 19 of the A.T.Act.

.. Subject to the above, the U.A. is dismissed at the admission stage. No costs./


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Open Court Dictation

Deputy Registrar(J)CC

20/2/94

To kmv

1. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
2. The Divisional Railway Manager(MG) S.C.Rly, Hyd.Division, Sec'bad.
3. The Divisional Engineer(Central) Hyderabad Meter Gauge, Hyderabad Division at Secunderabad.
4. The Assistant Engineer(Bldgs.) (MG) S.C.Rly, Hyderabad Division, at Secunderabad.
5. The Chief Inspector of Works/M/Hqrs, S.C.Rly Meter Guage, Hyderabad Division, at Secunderabad.
6. One copy to Mr.S.S.Kiran Kumar, Advocate, CAT.Hyd.
7. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMIN)

ORDER/JUDGEMTN:

M.A./R.A/C.A.No.

in

O.A.No.

16u3/94

T.A.No.

(w.p.)

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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