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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.1445/94

decided on : 6-12-94

Between:

1. S.Venkatesh s/o Sattaiah, aged 55 yrs.
2. Eswaraiah s/o Rajalingam, 55 yrs;
3. Sivaiah s/o Narsimha, 44 yrs.
4. V.Eshwar s/o Venkaiah, 44 yrs.
5. D.Sreeramulu s/o Seshaiah, 43 yrs.
6. Mir Tabeeli s/o Mir Mohammed Ali, 56 yrs.
7. Dhanjaiah s/o Mallaiah, 45 years;
8. K.Subbarao s/o Sathyraj, 46 yrs.
9. Ellaiah s/o Mallaiah, 45 yrs;
10. Adimulam s/o Marimuttu, 49 yrs;
11. Ranganudham s/o Velyadam, 45 yrs;
12. R.Satyanaarayana s/o Mallaiah, 44 yrs.
13. Venkataiah s/o Chandraiah, 44 yrs.
14. Venkatesh s/o Chandraiah, 44 yrs.
15. P.Danaiah s/o Papaiah, 43 yrs.
16. Narasimha s/o Muttaiah, 42 yrs.
17. Ankoose s/o Mallaiah, 42 yrs.
18. V Pavadi s/o Veeramuttu, 44 yrs.
19. Yadugiri s/o Babuiah, 43 yrs;
20. Mallaiah s/o Ramaiah, 39 yrs;
21. Laxminarao s/o Babappa, 42 yrs;
22. K.Venkataiah s/o Komariiah, 45 yrs;
23. Narsimha s/o Mallaiah, 45 yrs;
24. K.Mallaiah s/o Ramiah, 45 yrs.
25. Narsimha s/o Bhoomeian, 44 yrs.
26. Shaeer Hussain s/o Mohammed Hussain, 36 yrs;
27. P.Komaraiah s/o Narayana, 36 yrs;
28. P.Laxminarayana s/o Balaiah yrs;
29. P.Yedugiri s/o Laxmaiah, 41 yrs;
30. B.Sayyadrayana s/o Jayanna, 38 yrs.
31. Sekhar s/o Mallaiah, 40 yrs;
32. B.Sayyadrayana s/o Lallaiah, 39 yrs.
33. P.Lallaiah s/o Lallaiah, 36 yrs.
34. Rajmallaiah s/o Ramiah, 36 yrs;
35. C.Narsimha s/o Sattaiah, 36 yrs;
36. Khaja Miya s/o Sk.Mahboob, 32 yrs.
37. Smt.Gomati w/o Krishnamurthy, 52 yrs.
38. P.Laxmibai w/o Baburao, 39 yrs;
39. Yadugiri s/o Mallaiah, 40 yrs;
40. Narsimmaiah s/o Bhoomeian, 38 yrs.
41. Narsimmaiah s/o Laxmaiah, 33 yrs.
42. M.Chandraiah s/o Laxmaiah, 33 yrs.

--all working as Khalasis/Helpers/Carpenters/
Fitters/Mason.I,II & III/Painter in
Secunderabad/Hyderabad Divn. of S.C.Rly.
at Secunderabad

--APPLICANTS

AND

1. Union of India represented by General Manager, S.C.Rly.Secunderabad
2. Divl.Rly.Manager(Meter Gauge)/S.C.Rly
Secunderabad.

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(33)

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

4. Asstt. Engr (Bldgs)/SC Rly
MG. Divn., Secunderabad

5. Inspector of Works
Kacheguda
SC Railway, MG Divn.
Secunderabad

: Respondents

Counsel for the applicants : S.S. Kiran Kumar
Advocate

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

CORAM

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

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

Wg

O.A.No.1445/94.

Date: 6.12.1994.

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri S.S.Kiran Kumar, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for respondents.

2. The applicants numbering 42 in this O.A. prayed for a direction 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 and O.A.No.89/89.

3. It was held by the Lordships of the Supreme Court in Smt.V.Kameshwari Vs. U.O.I. & Ors. X 1993(1)SLR 550 SC X 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.

4. It is not the case of the applicants herein that the seniority unit in which they worked/are working, the seniority of any of the employees of that unit was reckoned from the date of attaining the seniority unit or from the date of the judgment of this Tribunal or High court which was delivered earlier to the Supreme Court judgment quoted above.



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5. O.A.No.1443/94, where the applicants therein were similarly situated as the applicants in this O.A. was dismissed by order dt. 6.12.1994. As the prayer of the applicants in this OA is identical to the prayer of the applicants in O.A.No.1443/94, and facts of both the cases are similar, this OA is also liable only to be dismissed.

6. Accordingly, the OA is dismissed at the admission stage itself. No costs./

One

(R.Rangarajan)
Member(Admn.)

Nilakumar

(V.Neeladri Rao)
Vice Chairman

Dated 6th Dec., 1994.

Grh.

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Deputy Registrar (A) CC
211281

To

1. The General Manager, Union of India,
S.C.Railway, Secunderabad.
2. The Divisional Railway Manager, -----,
Hyderabad Division, at Secunderabad.
3. The Divisional Engineer(Central, Hyderabad MG Division,
at Secunderabad.
4. The Assistant Engineer(Bldgs) MG
S.C.Rly, Hyderabad Division, at Secunderabad.
5. The Inspector of Works,
Kacheguda, M.G. Division,
6. One copy to Mr.S.S.Kiran Kumar, Advocate, 12-2-280, Sharon,
Aluqaddabavi, Secunderabad.
7. One copy to Mr.N.R.Devraj, SC for Rlys, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

pvm

Subbanna
Subbanna

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

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)

DATED. 10.12.1996

ORDER/JUDGEMTN:

M.A./R.A/C & NO. in

O.A.No.

1645/94

T.A.No.

(w.p.)

Admitted and Interim directions

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Offered/Rejected

No order as to costs.

