

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 Sessaiah, 43 yrs.
- 6.Mir Teheli 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.Ranganadham s/o Velyadam, 45 yrs;
- 12.R.Satyanarayana s/o Mallaiah, 44 yrs.
- 13.Venkataiah s/o Chandraiah, 44 yrs.
- 14.Venkatesh s/o Chandraiah, 44 yrs.
- 15.P.Dansaiah 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.Laxmanrao s/o Babappa, 42 yrs;
- 22.K.Venkataiah s/o Komaraiah, 45 yrs;
- 23.Narsimha s/o Mallaiah, 45 yrs;
- 24.K.Mallaiah s/o Ramaiah, 45 yrs.
- 25.Narasimha s/o Bhoomaiah, 44 yrs.
- 26.Shabber Hussain s/o Mohammed.Hussain, 36 yrs;
- 27.P.Komaraiah s/o Narayana, 36 yrs;
- 29.P.Laxminarayana s/o Ramaiah, 46 yrs;
- 30.B.Yadugiri s/o Laxmaiah, 41 yrs;
- 31.Sekhar s/o Mallaiah, 40 yrs;
- 32.B.Satyanarayana s/o Jayanna, 38 yrs.
- 33.P.Dhanjaiah s/o Lallaiah, 39 yrs.
- 34.Rajmallaiah s/o Ramaiah, 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;
- 41.Narasimhaiah s/o Bhoomaiah, 38 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  
at Secunderabad.

(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.)

Aug 1

O.A.No.1445/94.

Date: 6.12.1994.

J U D G M E N T

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 temporary status, the date of the judgment of this Tribunal or High court which was delivered earlier to the Supreme Court judgment quoted above.

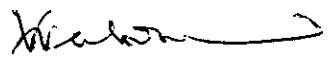
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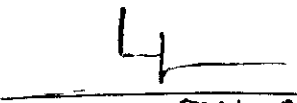
5. O.A.No.1443/94, where the applicants therein were similarly situated as the applicants in this O.A. was dismissed by order dt. 6.12.1994. As the prayer of the applicants in this OA is identical to the prayer of the applicants in O.A.No.1443/94, and facts of both the cases are similar, this OA is also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

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

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

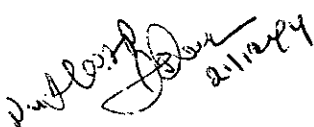
Dated 6th Dec., 1994.

  
Deputy Registrar (A) CC

Grh.

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,  
Hyderabad MG Division,
  6. One copy to Mr. S.S. Kiran Kumar, Advocate, 12-2-280, Sharon,  
Alugaddabavi, 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

  
21/12/94

TYPED BY

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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: 10/12/94

ORDER/JUDGMENT:

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

O.A.No.

1445/94

T.A.No.

(w.p.)

Admitted and Interim directions

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

Dvm

