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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

DA. 1557 /94

decided on : 9-12-94

Between

1. G. Subba Rao
2. P. Ramachandra Reddy
3. P.M.V. Diwakar

: Applicants

and

1. Chief Personnel Officer
SE Railway, Garden Reach
Calcutta

2. Divnl. Railway Manager
SE Rly, Waltair Divn.
Visakhapatnam

3. Chairman
Railway Board
Rail Bhavan
New Delhi

4. Union of India, rep. by
Secretary
Min. of Railways
New Delhi

5. P. Venkatappa Rao
Driver-G, SE Rly,
C/o TF(R) Office
Bacheli, Dist. Bastar MP

6. M.K. Murthy
ET SE Rly, C/o TF(R)
Bacheli
Dist Bastar M.P.

7. N.S.G.K. Nair
Driver G, SE Rly, C/o TF(R)
Bacheli, Dist. Bastar M.P.

8. Rana Paul
Asstt. Driver
C/o CTF(R), SE Rly.
Visakhapatnam

9. K.R.K. Rao
Asstt. Driver C/o CTF(R)
SE Rly, Visakhapatnam

10. K.N. Appadu
Asstt. Driver
C/o CTF(R), SE Rly
Visakhapatnam

11. I.K. Murthy
C/o CTF(R), SE Rly
Visakhapatnam

12. B.V.A. Rao
Asstt. Driver
C/o CTF(R)
SE Rly, Visakhapatnam

: Respondents

Counsel for the applicants : S. Ramakrishna Rao, Advocate
S.V. Nalla Reddy, SC for Railways

CORAM

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

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

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OA. 1557/94

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri S. Ramakrishna Rao, learned counsel for the applicants and Sri Venkat Malla Reddy, learned counsel for the respondents.

2. This OA was filed praying for direction to R-2 to fix the seniority of the applicants who are covered under para 138(d) placing them above those applicants who are covered under paras 137 and 138 and who were illegally promoted retrospectively to those grades in violation of Rules and without observing the minimum requisite period of service in each grade; solely to take away the vested right which has accrued in favour of the duly selected applicants, with all the consequential benefits and pass such other order as may be deemed fit.

3. All the applicants were selected as Electrical Assistant Drivers from the Artisan category and they were regularly appointed as Electrical Assistant Drivers on 18-1-1990 on completion of training. The applicants in OA.375/93 on the file of this Bench were also selected for the post of Assistant Electrical Drivers from Artisan category by way of promotion and they too were appointed as Electrical Assistant in January, 1990 in the same seniority unit in which the applicants herein were appointed, on completion of training. Relief claimed in OA.375/93 is similar to the relief claimed in this OA.

4. OA.375/93 was disposed of by order dated 2-12-1994 by giving a direction to the competent authority to finalise

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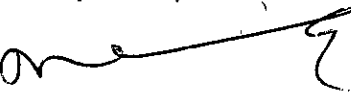
the seniority list as on 28-2-1993 and aggrieved can approach this Tribunal by way of an application under section 19 of the AT Act.

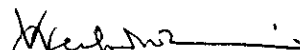
5. As the applicants in this OA and in OA.375/93 belong to the same seniority unit and as all of them are promoted to the post of Electrical Assistant Drivers from Artisan category and all of them are appointed in January, 1990

seniority list published on 31-12-1989, there is no need to give any further direction in this OA, for the directions given in OA.375/93 equally hold good in regard to these artisans also.

6. OA is ordered accordingly at the admission stage.

No costs./


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : 9th Dec, 94

Dictated in Open Court

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21/12/94
Deputy Registrar (J)CC

To

1. The Chief Personnel Officer, S.E.Rly, Garden Reach, Calcutta
2. The Divisional Railway Manager, S.E.Rly, Waltair Division,
sk Visakhapatnam.
3. The Chairman, Railway Board, Rail Bhavan, New Delhi.
4. The Secretary, Union of India, Ministry of Railways, New Delhi.
5. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT.Hyd.
6. One copy to Mr. C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.


21/12/94

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. V. LAKSHMAN

AND

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

DATED: 9 - 12 - 1994

ORDER/JUDGMENT:

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

in

O.A.No.

1557/94

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

NO SPARE COPY

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

pvm

