

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 614/94.

Dt. of Decision : 16-07-97.

G.Rameswara Rao

... Applicant.

Vs

1. The Sr.Divl.Personnel Officer,
SC Rly, Sec'bag B.G.Division,
Sec'bad.
2. The Sr.Divl.Operating Manager,
SC Rly, Sec'bad B.G.Division
3. The Divl. Rly.Manager, SC Rly,
B.G.Division, Sec'bad.



.. Respondents.

Counsel for the applicant : Mr G.V.Subba Rao

Counsel for the respondents : Mr.K.Siva Reddy, SC for Rlys.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.G.V.Subba Rao, learned counsel for the applicant and Mr.K.Siva Reddy, learned counsel for the respondents.

2. The applicant while working as Assistant Station Master in the grade of Rs.455-700/- was medically decategorised on 24-7-92 as Sr. Clerk in the Operating Branch of the Division by office order No.S.O.C.No. 109/7/92. dated 24-7-92 (Page-24 of the OA). The applicant submits that he was working as ASM in the grade of Rs.425-640/- ^{w.e.f.,} ~~from~~ 1-8-83 and in the grade of Rs.455-700/- ^{w.e.f.,} ~~from~~ 1-4-85 after selection. The applicant claims ~~that~~ his seniority in the grade of Head clerk from the date he was working in the grade of Rs.425-640/- i.e., from 1-8-83 above ~~the~~ ^{that} ~~he~~ who was promoted to the grade of Rs.425-640/- later than 1-8-83.

3. The applicant was ^{by G.O.} ~~given~~ ^{only} to the post of Sr.Clerk by office order No.S.O.C.No.109/7/92. dated 24-7-92 (Page-24 of the OA) as indicated earlier. The applicant had submitted a representation dated 7-3-94 (Page-11 of the OA). That representation was disposed of by the letter No.CP/121/P.3/Admn./Optg(T70)/HC dated 15-3-94 (Page-10 of the OA). By this letter he was advised that his case for absorption in alternative categories has been correctly dealt with as per the existing information and in case he is not satisfied with the action he may represent to any other source including legal that as ~~noted here/on the date xxxxx/xx/xxxxxx~~ the representation was disposed of ~~he~~ ^{for} was a Senior Clerk.

4. This OA is filed ^{for} quashing the impugned order and for a consequential direction to the respondents to fix his seniority at the appropriate place i.e., above Mr.S.Audiseshaiah taking into account the length of service of the applicant as ASM in the grade of Rs.425-640/- prior to his medical decategorisation as service

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rendered in the absorbed cadre of Head Clerk with attendant benefits.

5. When the case was taken up for hearing we asked the learned counsel for the respondents to find out the vacancy position of Headclerk in their Division in any of the departments after he has been screened ^{or} found fit for absorption in the clerical cadre till the date he was absorbed as Sr.Clerk. On the basis of the information received from his client the learned counsel for the respondents submitted that the applicant is now promoted on proforma basis as Headclerk w.e.f., 31-7-92 i.e., from the date his junior Mr.Y.Narasimhaswamy was promoted as Head Clerk. A copy of the order No.S.O.C.No.129/9/94 dated 20-9-94 was also produced to substantiate the above submission. This office order is taken on record.

6. From the above reply it is evident that the applicant is

7 days after his absorption as Sr.Clerk i.e., w.e.f., 24-7-92. It is further ^{to} be noted here that his seniority in the cadre of Head Clerk as per the above submission will now date back to 31-7-92. But the applicant submits that his seniority in the cadre of Head Clerk has to be fixed on the basis of the length of service rendered by him in a similar grade as ASM. If that is courted, the learned counsel for the applicant submits that his seniority in the cadre of Head Clerk in the Operating Branch will have to be above that of Mr.S.Audiseshalaiah as per the seniority list produced by the learned counsel for the respondents. If the applicant is given seniority in the cadre of Head Clerk in the Operating Branch above that of Mr.S.Audiseshalaiah there may be some ^{injustice} ~~grievance~~ to others in the cadre. Hence, it is appropriate and fit for the applicant now ^{to} submit a detailed representation to re-fix his seniority in the cadre of

Head Clerk in the Operating Branch of the Division taking into account his services in the grade of Rs.425-640/- as ASM before he is medically deategorised and absorbed as Head Clerk in the Operating Branch. If such a representation is received we have no doubt in our mind that the respondents will examine this issue in toto after hearing all the ^{affected} ^{if any} ~~affected~~ ~~if they are affected~~ and take a final decision in regard to the fixation of seniority of the applicant in the cadre of Head Clerk in the Operating Branch. ~~the learned counsel~~ for the applicant submits that he will file a representation within a month from to-day. If such a representation is received as per the above stipulated period, the same should be disposed of within 4 months from the date of receipt of that representation and the applicant should be suitably advised of the same within that stipulated period.

7. The OA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH