

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.642/94

dt.23-6-97

Between

G.V. Ramana Moorthy : Applicant

and

1. Statistical and Analysis Officer
SC Rly., Secunderabad

2. Chief Personnel Officer
SC Rly., Secunderabad

3. FA & CPO (WST),
SC Rly., Secunderabad

4. Sri M. Gangadharam : Respondents

Counsel for the applicant : V. Krishna Rao
Advocate

Counsel for the respondents : V. Rajeswara Rao
Addl. counsel for Railways

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

HON. MR. A.M. SIVA DAS, MEMBER (JUDL)

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Judgement

Oral order (per Hon. Mr. A.M. Siva Das, Member (Judl.))

Heard Sri V. Krishna Rao for the applicant and Sri V. Rajeswara Rao for the respondents.

1. The applicant seeks for a direction to Respondents 1 to 3 to restore his seniority above Respondent-4.

2. The applicant was appointed as Clerk in the year 1963 in the office of Respondent-1 and was promoted subsequently as Head Clerk in 1985 as senior to Respondent-4. The avenue for promotion to Head Clerk is Chief Clerk or Junior Statistical Inspector. ~~The applicant says that he was called for selection for the post of Senior Statistical Inspector in the grade of Rs.2000-3200 for which written test was held on 20-5-94 and he was shown as junior to the Respondent-4. He also says that during his absence on deputation to the Railway Board, Respondent-4 was promoted as Junior Statistical Inspector on adhoc basis from 7-4-1989. It is also stated by the applicant that he submitted a representation on 31-5-1989 and he was orally informed by the first respondent that promotion of Respondent-4 was purely adhoc and that his seniority would be protected by regular ^{posts} and selection are made. The applicant further says that in the notification No ST/D/608/SSI dated 21-4-94 for the grade of Rs.2000-3200, written test was held on 20-5-94 and the Respondent-4's name was shown above the applicant.~~

grade is through positive act of selection, that the Respondent-4 was qualified in the written test and viva-voce and his name was empanelled as Chief Clerk, That the Respondent-4 was not

promoted from lower grade to higher grade on adhoc basis but was posted to work only in an equivalent grade and that the applicant has failed to qualify in the written test.

4. At the very outset it has to be stated that the applicant is not challenging any order passed by any authority. The prayer of the applicant is only to direct Respondent 1 to 3 to restore his seniority above Respondent-4. The only seniority list produced by the applicant is one wherein the applicant is at Sl.No.8 and the Respondent-4 is at Sl.No.9. There is no seniority list produced by the applicant to show that he has been placed below Respondent-4. Though the applicant says that in the notification no.ST/P/608/SSI dated 21-4-1994 Respondent-4's name has been shown above his name, No copy of the notification is produced. So the position is that there is absolutely no material placed before even to show prima-facie that Respondent-4 has

5. The respondents 1 to 3 have specifically stated in the reply statement that Respondent-4 has got qualified in the written test and viva-voce whereas the applicant has failed.

It is also specifically stated in the reply statement by Respondent-1 to 3 that Respondent-4 was not promoted from a lower grade to highest grade on an adhoc basis but was only posted to work in an equivalent grade and similar benefits were also extended to the applicant with effect from 13-6-1993.

6. As it is admitted case of the applicant that he was informed by the Respondent-1 that the promotion of the Respondent-4 was purely adhoc and that the applicant's seniority will be protected when regular postings and that the applicant has been placed below Respondent-4 in

seniority list, ^{we} are not in a position to grant any relief to the applicant. If the applicant's seniority has been fixed by the authorities concerned detriment to his interests there should be order to that effect. In the absence of any order showing that the applicant is placed below Respondent-4 in the seniority list, On the basis of an imaginary or fictitious seniority list, the Tribunal cannot act and will not be justified in acting. The grievance of the applicant is not founded on any order. It is not known on what basis the applicant is saying that he has been placed below Respondent-4 in the seniority list.

7. The learned counsel appearing for the applicant drew our attention to paragraph 320 of IREM Vol.I. The learned counsel submitted across the bar that the applicant and Respondent-4 do belong to the same unit. In such ^a case we are unable ~~at least~~ to understand how paragraph 320 of IREM applies in the case at hand. Paragraph 320 of IREM applies to a post (Selection as well as Non-selection) is filled by considering staff of different seniority units. The total length of continuing service.... (Emphasis supplied). So it is clear that Para 320 of IREM applies in the case of staff of different seniority units and not of same units.

8. We find no merit in this OA. Accordingly the OA is

~~Dismissed~~ No costs.

(A.M. Siva Das)
Member(Judl.)

(H. Rajendra Prasad)
Member (Admn.)

Dated : June 23, 97

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Deputy Registrar (D) cc.

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O.A.642/94.

To

1. The Statistical and Analysis Officer,
SC Rly, Secunderabad.
2. The Chief Personnel Officer,
SC Rly, Secunderabad.
3. The FA & CPO (WST)
SC Rly, Secunderabad.
4. One copy to Mr.V.Krishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC.CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.

pvm.

9/7/97
②
T COURT

TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN
and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

The Hon'ble Mr. A.M. Silva Rao: M(S)

Dated: 23-6-1997

ORDER/JUDGMENT

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

in

C.A.No.

642/94

T.A.No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered as to costs.
No order as to costs.

pvm

