

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 884/95

Date of Order : 8.1.98

BETWEEN:

N.Naganna

.. Applicant.

AND

1. Railway Board, rep. by its  
Secretary, Rail Bhavan,  
New Delhi.
2. Chief Personnel Officer,  
S.C.Rly., Rail Nilayam,  
Secunderabad.
3. Divisional Railway Manager (P),  
S.C.Rly., Guntakal Division,  
Guntakal, Anantapur Dist.
4. Senior Divisional Personnel Officer,  
S.C.Rly., Guntakal Division,  
Guntakal.
5. M.Kesanna

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.P.Krishna Reddy

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

- - -

CORAM:

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

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

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Smt Sarada for Mr.P.Krishna Reddy, learned counsel  
for the applicant and Mr.V.Rajeswara Rao, learned standing  
counsel for the respondents.

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2. The applicant was appointed as probationary Assistant Station Master in the scale of Rs.130-240 and he underwent training commencing from 13.2.64 at the Zonal Training School, Tiruchirappalli. However, he was appointed after he passed the initial training test in the second chance on 7.12.65. He was posted as Assistant Station Master at Lingamanenidoddi w.e.f. 8.7.66. That station was merged in the Hubli Division w.e.f. 2.10.66 for the administrative reasons and the applicant was considered as staff of that division. Subsequently, the same section was merged in Vijayawada division on administrative grounds w.e.f. 1.4.76. He was promoted to the grade of Rs.425-640(RS)/1400-2300 w.e.f. 1.1.79. That section was once again merged in Guntakal division w.e.f. 16.1.81. The applicant submits that because of the above merging off <sup>the station -</sup> the seniority with various divisions the respondents had brought his seniority below that of one Sri Kesanna who was with him in the seniority list when he was initially appointed in Guntakal division. He further submits that when he was posted to Guntakal division after re-organisation in the year 1981 he should have been shown senior to Sri Kesanna and on that basis he should have been promoted to higher <sup>grade</sup> ~~grounds~~ on par with his junior Sri Kesanna. He also submits that he should have been given the scale of pay of Rs.2000-3200 (RSRP) Rs.700-900(RS) from the date Sri Kesanna was promoted to that grade as he is senior to Sri Kesanna.

3. The applicant had submitted a representation on 22.2.93 for fixation of seniority in the grade of Rs.2000-3200 (RSRP) correctly on par with his junior. That representation was disposed of by the impugned order No. G.P.612/I/Optg/Vol-IV dated 14.9.93. This order reads as below :-

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"The post of Station Superintendent in grade Rs.2000-3200 (RSRP) is classified as 'Selection post' and you are not suitable for the empanelment for that post in the very first selection you have been called; Your request for fixation of seniority on par with your juniors in the grade of Rs.2000-3200 (RSRP) is not permissible.

Hence, the seniority already fixed to you is in order".

4. From the impugned order it is evident that the applicant was considered for promotion on par with his junior but he could not be posted in that grade of Rs.2000-3200 as he had failed in the very first selection.

5. This OA is filed for setting aside the impugned order No.G/P.612/I/optg/Vol.IV, dated 14.9.93 of R-4 and for a consequential direction to the respondents to fix the seniority of the applicant above Sri M.Kesanna in the scale of Rs.2375-3500 (RSRP) who is working as TI, Cuddapah and pay him all consequential benefits.

6. A reply has been filed in this OA. The respondents admit that his seniority has to be fixed above Sri Kesanna when he joined the Guntakal division and they also submit that they have given him that seniority. It is stated in the reply that the applicant was regularised in the grade of Rs.425-640 w.e.f. 1.7.77 in the grade of Rs.455-700 w.e.f. 1.1.79, in the grade of Rs.550-750 w.e.f. 1.1.82 on par with his junior Sri Kesanna. This is not contraverted by the applicant. Hence as far as the promotion and seniority in the grade of Rs.425-640, 455-700 and 550-750 <sup>in arrears</sup> the applicant has no grouse <sup>as</sup> he has been correctly shown above Sri Kesanna and his promotion in the above mentioned grades were also given on par with Sri Kesanna.

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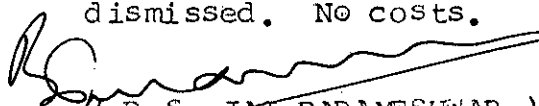
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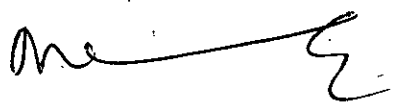
7. The controversy has arisen in regard to his promotion to the grade of Rs.700-900/2000- 3200. The applicant submits that Sri Kesanna was promoted to the grade way back in the year 1983 and hence he should also be promoted to that grade from the date Sri Kesanna was promoted as he is senior to Sri Kesanna.

8. There is no doubt that the applicant is senior to Sri Kesanna in the seniority unit. But the post carrying the scale of pay of Rs.700-900/2000-3200 is a selection post. Unless an employee comes out successfully in the selection he cannot be promoted. The respondents submit that the applicant was not found suitable <sup>by</sup> for the selection committee at the first instance when he called for the first time. This is not controverted by the applicant by filing a rejoinder. Hence when the applicant had failed in the selection post he cannot ask for promotion to that grade from the date Sri Kesanna was promoted. He can get that grade only from the date he had passed the examination. It is an admitted fact that the applicant had also been promoted to scale of Rs.2000-3200 when he was found fit in the selection. Hence the applicant cannot ask for seniority and fixation of pay in the scale of Rs.2000-3200 on par with Sri Kesanna and also in the higher scale of Rs.2375-3500.

9. In view of what is stated above we find that no irregularity has been committed in fixing the seniority of the applicant in the grade of Rs.2000-3200 and Rs.2375-3500. In that view the application is liable only to be dismissed, and accordingly dismissed. No costs.

  
B.S. JAI PARAMESHWAR )  
Member (Judl.)

8.1.98

  
( R.RANGARAJAN )  
Member (Admn.)

Dated : 8th January, 1998

(Dictated in Open Court)

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Copy to :

1. The Secretary, Rail Bhawan, Railway Board, New Delhi.
2. Chief Personnel Officer, South Central Railway, Railnileyam, Secunderabad.
3. Divisional Railway Manager(P), South Central Railway, Guntakal Division, Guntakal, Ananthpur District
4. Senior Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal.
5. One copy to Mr.P.KrishnaReddy, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy,

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3/2/98 (8)

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :  
M(J)

DATED: 8/1/98

ORDER/JUDGMENT

M. A. / R. A. / C. A. NO.

C. A. NO.

in

884/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH 27 JAN 1998 हैदराबाद न्यायपीठ HYDERABAD BENCH
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