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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 1235 of 1995

DATE OF ORDER :: 27-2-1998

BETWEEN :

S. Ganga Krishna @ Christopher
Dy. Chief Yard Master,
S.C. Railway, Vijayawada
Krishna District.

... Applicant

AND

1. The Divisional Railway Manager (P),
S.C. Railway, Vijayawada.

2. The Chief Personnel Officer,
S.C. Railway,
Secunderabad.

3. The General Manager,
S.C. Railway, Rail Nilayam
Secunderabad.

... Respondents

COUNSEL FOR THE APPLICANT : SHRI P.V.S.S.S. RAMA RAO

COUNSEL FOR THE RESPONDENTS : SHRI V. RAJESWARA RAO

CORAM :

THE HON'BLE SHRI A.V. HARIDASAN : VICE-CHAIRMAN (ERNAKULAM BENCH)

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri A.V. Haridasan) Vice Chairman)

Heard Mr Shastri on behalf of Mr P.V.S.S.S Rama Rao
for the Applicant and Mr V. Rajeswara Rao for the Respondents.

presently 2. The Applicant who is working as Deputy Chief Yard
Master was aggrieved by the order dated 3-7-1984, by which
the Respondents have bifurcated the categories of Yard
Master, Station Master, etc., whereby the Applicant's
chance for promotion to the scale of Rs. 2375 - 3500 was

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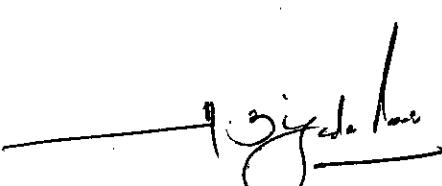
obliterated. It is stated that the Applicant was not aware of the impugned order of alteration of the avenues chart. He came to know of it only recently when a colleague of his filed an application and obtained an order to give him the benefit of option according to him. The Applicant states that he is similarly situated as the Applicant in OA 303/96 and that the same benefit may be extended to him also. He has also mentioned that OA 372/95 which has been filed by 4 of his colleagues, claiming identical relief as claimed in this OA is pending. The Applicant has, therefore, prayed that the action of the Respondents in not obtaining the option from the Applicant and keeping him in the Yard Master category is arbitrary and violative of Article 14 and 16 of the Constitution, and seeks a direction to the Respondents to obtain an option from the Applicants and their consequential benefits.

3. The Respondents in their reply statement have contended that the application is barred by limitation, as several seniority lists of the separate category of Yard Masters, Station Masters have been issued since 1984, after the category was bifurcated, that the Applicant was fully aware of the bifurcation and the issuance of separate seniority list and that he has not raised any grievance for all these years. Respondents state that if the central question of seniority is unsettled, that would lead to considerable administrative difficulties and would lead to multifarious litigations which has to be averted.

4. We have heard the Learned Counsel appearing for

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the Applicant and Shri V. Rajeswara Rao appearing for the Respondents. The identical issue which is involved in this case was considered by the Tribunal in OA 372/95 decided on 24.10.1997. The Applicant in this OA itself has stated that 4 of his colleagues identically situated like him have filed OA 372/95 claiming identical relief like him. On a detailed consideration of the issues involved and after hearing the Learned Counsel on either side, the Tribunal found that it was not proper to grant the relief sought for by the Applicant in that case, as it would have the effect of unsettling the settled seniority which may result in administrative inconvenience. We are in respectful agreement with the view taken by the Bench in their order in OA 372/95. The Applicant who was aware of the separate seniority lists issued from 1984 onwards has not chosen to assail the action till the year 1995. It has to be deemed that the Applicant has acquiesced himself to the situation and was complacent about his placement. Under the circumstances, we are of the view that the Applicant must fail and, therefore, we dismiss the same leaving the parties to suffer their own cases.



(H. RAJENDRA PRASAD)
MEMBER (A)



(A.V. HARIDASAN)
VICE-CHAIRMAN
ERNAKULAM BENCH

DICTATED IN OPEN COURT

Dated : 27-2-1998

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Deputy Registrar

To

1. The Divisional Railway Manager(P)
SC Rly, Vijayawada.
2. The Chief Personnel Officer, Secunderabad.
3. The General Manager, SC Rly
Railnilayam, Secunderabad.
4. One copy to Mr.P.V.S.S.S.Rama Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, SC for Rlys, CAT.Hyd
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

pvm.

6.10.98
17/3/98

I Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE AV Haidar
VICE-CHAIRMAN (Graukuler
Bench)
AND

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

DATED: 27-2-1998

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

in
O.A. No. 1235/95.

T.A. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

