

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1147/95

dt.21-4-98

Between

B. Sankaraiah

: Applicant

and

1. Sr. Divnl. Personnel Officer  
SC Rly., Guntakal

2. General Manager  
SC Rly., Rail nilayam  
Secunderabad

3. Union of India  
rep. by its Secretary  
Min. of Railways  
New Delhi

: Respondents

Counsel for the applicant

: R. Briz Mohan Singh  
Advocate

Counsel for the respondents

: N.R. Devaraj  
SC for Railways

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jia Parameshwar, Member (Judl)





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## Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.)

Heard Mr. R. Brighu Mohan Singh for the applicant and Mr. N.R. Devaraj for the respondents.

1. By order dated 26-7-1979 vide No.G/P.676/II/Change of cadre, 21 employees from different seniority groups were given the change of cadres as Ticket Collectors (R-1 to the reply). The question <sup>arises</sup> ~~arose~~ as to how the seniority of the 21 employees in the cadre of Ticket Collectors has to be decided.
2. The provisional seniority list was issued bearing No. G/P.612/II/TC.Vol.II dated 4-4-91 (Annex.A-III). As per this provisional seniority list the seniority of the applicant was brought down from serial 221 to 241. The applicant submitted a representation for retaining him at Sl.221 <sup>as per</sup> ~~which is in~~ the seniority list but that was rejected by impugned order No.G/P.612/II/TC/Vol.3 dated 2-2-95 (Annex.A-V).
3. This OA is filed for declaration that the Revisions of seniority of the applicant from 221 to 241 and revising the actual date of promotion to the post of Senior Ticket Collector from 17-10-1980 to 17-3-1981 <sup>is</sup> ~~as~~ illegal, arbitrary, ~~discriminatory~~ and contrary to rules and regulations laid down in the order No.G.P.676/II/Change of cadre dated 26-7-1979 by Respondent-1 and for a consequential direction to the respondents to retain the seniority of the applicant at Sl.No.221, below A.V. Chalapathi at Sl.No.220 and above B. Satyanarayana at Sl.No.222 in the seniority list of Senior TC/Senior TTEs of the respondent organisation and his date of appointment to the post of TC to 17-10-1980.

4. The whole case has to be viewed from fixing the seniority position of all the 21 employees who came on change of category as Ticket Collectors <sup>by</sup> memo dated 26-7-1979. If seniority of all the 21 employees have been <sup>in the cadre of Ticket Collectors</sup> fixed then there would not be any problem for fixing seniority in the category of Sr. TCs. Hence, the problem posed before us is the method to fix or the principle to be adopted for fixation of seniority of 21 employees who came as TCs by order dated 26-7-1979.

5. The learned counsel for the respondents relying on the note in para-302 of the IREM submits that the seniority of the TC should be decided who came on change of cadre after they completed the training. If some of them are exempted from training, even then their seniority should be decided as if they had undergone training and completed the training and the date of completion of training will decide their entry into the cadre of TCs.

6. The note in this connection in our opinion is not applicable in this case as the applicant in this OA had joined on 3-7-1973 as Commercial Clerk and came as TC on change of category at his request on 29-8-79 after a lapse of six years. Hence it is not a case of Direct recruitment as given in the notes. Hence it is rejected. Now the question arises as to how the seniority in the category of TC <sup>is</sup> decided when number of employees from different categories such as Commercial Clerk, Junior Clerk etc. come as a TC accepting the bottom seniority.

7. Normally whenever a change of category is given at the request of an employee then the date of entry in the changed category determines the seniority position in the changed category. However, when the changed category is given to the employees from the same category from their erstwhile post, then also the date of entry in the changed category counts for fixation of seniority of those employees subject to condition that the inter-se seniority remain unaltered as existed in their erstwhile cadre.


8. Hence, in the present case the following principles should be adopted :


When an employee comes to a changed cadre viz. TC here the date of entry into the cadre of TC decides his seniority after completion of training period if any.

When a number of employees from the same cadre are transferred and posted as TCs then the dates of entry of the transferred employee who joined first as TC from the same erstwhile cadre shall determine the date of entry and they shall retain their inter-se seniority position in the cadre of TCs if they belong to the same cadre earlier.

9. The whole seniority of the TCs of Guntakal Division has to be recast following the above principle and that seniority should be carried forward in accordance with law in higher grades.

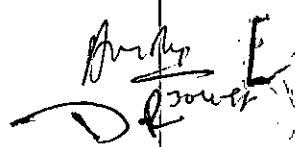
10. With the above direction the OA is disposed of. Time for compliance is four months from the date of receipt of copy of this order.

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

  
(R. RANGARAJAN)  
Member (Admn.)

21-4-98

Dated : 21 April, 98  
Dictated in Open Court



DA.1147/95

Copy to:-

1. The Senior Divnl. Personnel Officer, South Central Railway, Guntakal.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. The Secretary, Ministry of Railways, New Delhi.
4. One copy to Mr. R. Briz Mohan Singh, Advocate, AT., Hyd.
5. One copy to Mr. N.R. Devaraj, SC for Rlys, CAT., Hyd.
6. One copy to D.R. (A), CAT., Hyd.
7. One duplicate copy.

Srr

14/4/98 (7)

II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

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

DATED: 21/4/98

~~ORDER/JUDGMENT~~

~~M.A./R.A/C.P.NO.~~

in

O.A.NO. 1147/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~  
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH  
26 MAY 1998  
Despatch No. 1147/95  
विभाग/REGAL SECTION