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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

O.A.No. 1007 of 1995.

Date of decision: 19th June, 1998.

Between:

S. Ramam Babu. .. Applicant.

Union of India represented by:

1) Chief Project Manager (Con),
S.E.Railway, Visakhapatnam.

2. Sri V.V.Suryanarayana, Achoc
Office Superintendent, SPO(C)'s
Office, Visakhapatnam. ..

Respondents.

Counsel for the applicant: Sri Y. Subrahmanyam.

Counsel for the respondents: Sri G.S.Sanghi.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A))

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Heard Sri K.Venkateswara Rao for Sri Y.Subrahmanyam
for the applicant and Sri G.S.Sanghi for Respondent No.1. Notice
on Respondent No.2 was served and he was called absent.

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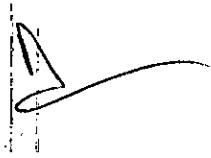
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The applicant in this O.A., was appointed on 26-8-1963 as Departmental Store Issuer under DEN(C)WAT. He was absorbed in that post against 40% PCR Quota as Store Issuer with effect from 1.4.1973. He was promoted on ad hoc basis as junior clerk in the Construction Organisation on 26-5-1970 under DEN(D)CHE. He was regularly promoted as Junior Clerk in that Organisation on 1.4.1984. He was promoted as Senior Clerk on adhoc basis under Dy/CE/C Waltair with effect from 1.1.1980. He was regularly promoted as Senior Clerk on 1.4.1988.

The respondent No.2 joined as a Store Issuer on 19-7-1962. He was absorbed as regular clerk on 1.4.1973 against 40% PCR quota and absorbed in CE/Constrn/GRC. He was promoted as Junior Clerk on 9-2-1970 under CE/PND/GRC. His position as a junior clerk was regularised on 2.4.1973. He was promoted as a senior clerk on 3.3.1980 on ad hoc basis in WKRE Project and he was regularly promoted as senior Clerk on 1-8-1983.

When the above position existed, the applicant and Respondent No.2 were in two different Organisations. The applicant was promoted as senior clerk regularly from 1.4.1988 in his earlier organisation whereas Respondent No.2 was regularised as Senior Clerk in his parent Organisation on 1.8.1983. Both the organisations were merged and both were promoted as Head Clerks on 1.10.1987 and 1.7.1983 respectively.



The applicant now submits that Respondent No.2 was promoted as Senior Clerk in his parent organisation on 3.3.1980 whereas he was promoted on 1.1.1980 and hence his date of entry as senior clerk should be equated to the date of entry of Respondent No.2.

The applicant filed this O.A., challenging the letter No. P/190/95 dated 26.7.1995 wherein the date of regularisation of Respondent No.2 as senior clerk was given and for a consequential direction to review the Office Order No. P/190/95 dated 26.7.1995 (Annexure I to the O.A.) in the light of the facts enumerated by him & and for a direction to the respondents to extend promotion benefit and notional fixation of pay of the post of Head Clerk from the date his junior Respondent No.2 had fortutious promotion as Head Clerk with effect from 31.12.1982 till the promotion of the applicant with effect from 1.10.1987 with all consequential benefits.

The applicant should have filed a proper representation to uptoate his position as senior Clerk on par with Respondent No.2 and for promotion as Head Clerk on Par with Respondent No.2. But it appears that the applicant had not taken any steps in this connection by submitting his representation. Hence, we feel that the applicant had failed to take recourse to the normal channel

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available to him for redressal of his grievance.

It is to be noted that the applicant and Respondent No.2 were in different organisations when they were promoted as senior clerks. When the merger took place, the date of entry in the particular grade at the time of merger, will decide the seniority of the applicant in the grade of senior clerk. It may be possible that in the organisation where Respondent No.2 was working as per his turn, he got promotion and hence he was promoted earlier than the applicant. The earlier promotion of Respondent No.2 may be due to availability of posts in that organisation. We also find from the details given above that the applicant had joined as a temporary Store Issuer on 26-8-1963 in his parent organisation whereas Respondent No.2 joined as Store Issuer earlier to him on 19-7-1962 in his earlier parent organisation. Hence, the applicant had joined later than the 2nd respondent in the Railway service. Hence the submission of the applicant that he is senior to Respondent No.2 as per his date of entry does not arise as both were in different seniority units. While fixing the seniority in the combined cadre the seniority of Respondent No.2 was fixed higher than the applicant as he was promoted earlier ~~as~~ as senior clerk ~~which~~

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which cannot be objected to.

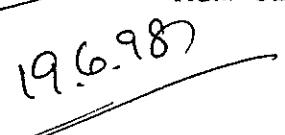
In view of what is stated above, we find no merit in this O.A. Hence the O.A., is dismissed.

No costs.


B.S.JAI-PARAMESHWAR,

Member (J)


R.RANGARAJAN,
Member (A)


19.6.98

Date: 19-6-1998.

Dictated in open Court.


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Copy to:

1. The Chief Project Manager, (Con), South Eastern Railway, Visakhapatnam.
2. One copy to Mr. Y. Subrahmanyam, Advocate, CAT, Hyderabad.
3. One copy to Mr. G. S. Sanghi, Addl. CGSC, CAT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One copy for duplicate.

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COMPARED BY

CHECKED BY
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: 18/6/88

ORDER/JUDGMENT

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

in

D.A.NO. 1007/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED ✓

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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