

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1507/95

DATE OF ORDER : 27-04-1998.

Between :-

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|----------------------|--------------------------|
| 1. E.Obulesh | 8. B.Chalapathi Rao |
| 2. P.Srinivasulu | 9. K.Masthan Rao |
| 3. Manoj Kumar Patra | 10. B.M.P.Rajendra Singh |
| 4. Mahesh Chand | 11.M.Siva Kumar |
| 5. K.Srinivasa Rao | 12.S.Srinivasulu |
| 6. Md.Khasim Patel | 13.B.Mallesha |
| 7. Kd.Jaleel | |

... Applicants

And

- 1.General Manager, SC Rlys,
rep. by Union of India, Rail Nilayam,
Sec'bad.
2. Chief Personnel Officer, SC Rlys,
Rail Nilayam, Sec'bad.
3. Workshop Personnel Officer,
Carriage Repaid Shop, SC Rlys,
Tirupathi.
4. Dy.Chief Mechanical Engineer,
Carriage Repaid Shop, SC Rlys,
Tirupathi.
5. S.Krishnadass

.... Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Rlys

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CORAM:

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

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

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

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

Heard Sri S.Ramakrishna Rao, counsel for the applicants and Sri C.V.Malla Reddy, learned standing counsel for the respondents.

2. There are 13 applicants in this O.A. It is stated that they are working as Temporary Khalasis and they are entitled for posting as semi-skilled Temporary Khalasi Helper in the scale of pay of Rs.800-1150. Respondent No.5 came on request transfer as a Khalasi to the Carriage Repair Shop, SC Rlys, Tirupathi while he was working in the Semi-Skilled grade of Rs.800-1150 in the Electrical Department of Guntakal Division in the Train Lighting and Power Maintenance Unit. Respondent No.5 was promoted to the post of Khalasi Helper in Rs.800-1150 by the order No.16/95/Elec/TPYS dt.26-5-95 (Annexure-I page-10 to the OA).

3. The applicants submit that the Respondent No.5 joined Carriage Repair Shop on 30-6-94 and at that time they were all Temporary Khalasis and in accordance with the rules, the respondent No.5 who came on request transfer should be placed below all regular and temporary Khalasis of that Unit and hence Respondent No.5 is junior to them as all the applicants are working as temporary Khalasis earlier to him in the Carriage Repair Shop, Tirupathi. As they are seniors to him, they should be considered to the post

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of Khalasi Helper in the place of Sri Krishna Dass (Respondent No.5) when he was promoted by Office Order dt.26-5-95 promoting him (Respondent No.5) as Khalasi Helper by order dt.26-5-95 ignoring the claims of ^{him} seniors i.e. the applicants herein as ^{the promotion is} arbitrary and unlawful and against the existing rules for promotion.

4. This OA is filed praying for a direction to the respondents to declare that the applicants deemed to have been promoted to the post of Khalasi Helper Semi Skilled against existing vacancies w.e.f. the date the Respondent No.5 was promoted and fix the seniority above Respondent No.5 with all consequential benefits including that of seniority, promotion and arrears of pay since Respondent No.5 is junior to all of the applicants.

5. A reply has been filed in this OA. It is stated that all the applicants herein are all temporary status Khalasis and they were continued to be temporary status Khalasis on the date when Respondent No.5 joined the Carriage Repair Shop on his request i.e. on 30-6-94. On that date he ^(R-5) was placed junior to all regular and temporary khalasis of the carriage repair ² shop. On that date the applicants were all temporary status khalasis and hence they cannot be shown above that of Respondent No.5 on 30-6-94 when Respondent No.5 joined the carriage repair shop as he was senior to all the applicants herein. The applicants were absorbed as regular Khalasis only on 26-11-95. Respondent No.5 was promoted on 26-5-95 as Khalasi Helper. Even at that time the applicants were only temporary status khalasi. Hence the applicants cannot claim seniority over Respondent No.5 and hence

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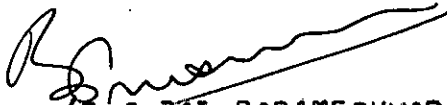
the O.A. lacks merit and has to be dismissed as devoid of merits.


6. The applicants have not produced any documents to prove that they were temporary khaleasis and not temporary status khaleasis as on 30-6-94 when respondent No.5 joined on request transfer in Carriage Repair Shop, Tirupati. Hence on that day the respondent No.5 will rank senior to all the temporary status khaleasis but will be junior to temporary khaleasis. In view of the above, the applicants herein cannot claim for promotion to the post of Khaleasi Helper on par with respondent No.5 and be shown above Respondent No.5. The above view is in accordance & provision of IREM in para 2005 IREM Vol II.

7. In view of the above, the following direction is given :-

If the applicants are only temporary status Khaleasis as on 30-6-94 then the OA stands dismissed. If the applicants are temporary khaleasis in the Carriage Repair Shop at Tirupathi as on 30-6-94 then they should be given seniority above Respondent No.5 and further promotion on that basis.

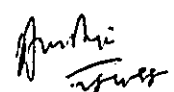
8. With the above direction, the O.A. is disposed of. No costs.


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


(R. RANGARAJAN)
Member (A)

Dated: 27th April, 1998.
Dictated in Open Court.

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J. S. J. S. J. S.

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Copy to:

1. The General Manager, South Central Railway,
Railnilayam, Secunderabad.
2. Chief Personnel Officer, South Central Railway,
Railnilayam, Secunderabad.
3. Workshop Personnel Officer, Carriage Repair Shop,
South Central Railway, Secunderabad.
4. Dy. Chief Mechanical Engineer, Carriage Repair Shop,
South Central Railway, Tirupathi.
5. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. C. V. Malla Reddy, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

15/5/98

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II COURT

TYPED BY
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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: 27/4/98

ORDER/JUDGMENT

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

in

O.A.NO. 1502/95

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 बेंच HYDERABAD BENCH
4 MAY 1998
Despatch
RECEIVED
विभाग/REPPAL SECTION