

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1545/95

DATE OF ORDER : 19-06-1998.

Between :-

P.V.Raman

... Applicant

And

1. The Chief Personnel Officer (P&T),
S.E.Railway, Garden Reach, Calcutta.
2. The Divisional Railway Manager
(Personnel), S.E.Railway, Waltair,
Visakhapatnam.

... Respondents

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Counsel For the Applicant : Shri Maherchand Nori

Counsel for the Respondents : Shri N.R.Devaraj, SC for Riys

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CORAM:

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

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

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

Heard Sri Phani Raj for Sri Mañherchand Nori, counsel for the applicant and Shri N.R.Devaraj, standing counsel for the respondents.

2. The applicant was appointed as Guard, Waltair Division and promoted as Asst.Yard Master with effect from 12-11-70 and as Yard Master with effect from 1-8-82. He submits that the next promotion from the post of Yard Master is Dy.Chief Yard Master (Dy.CYM for short). He submits that 7 posts ~~were~~ in the cadre of Dy.CYM were upgraded ~~by~~ by restructuring the posts ^{of} existing Yard Masters ^{and} out of the 7 posts 2 posts were reserved one each for ST and SC, the rest of the 5 posts were unreserved. Applicant submits that as against 5 unreserved posts following persons were promoted with effect from 1-8-83 :-

- (a) Sri A.Rambabu
- (b) Sri KSN Murthy
- (c) Sri B.H.Krishna
- (d) Sri T.Subba Rao
- (e) Sri O.V.Somayajulu

3. The applicant submits that he was called for selection for the post of Dy.CYM to fill the resulted ^{out} vacancy and he was selected in the said selection for promotion of Dy.CYM in scale 700-900 (2000-3200). The filling up of the post of Dy.CYM and centrally controlled was decentralised on (restructuring on divisional basis. The cadre of Dy.CYM prior to restructuring as per Estt.SRL 160/83 was one. This has been revised to 7 of which 1 post was reserved for ST and 1 post was reserved for SC. The post reserved for ST could not be filled up at that time for non-availability of ST candidate. Applicant

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further submits that in terms of Estt.SRL No.160/83 orders for restructuring of Group C & D cadre were issued as a result of which the number of posts in the category of Yard Master, Dy.CYM and CYM were increased due to enhanced percentage of upgradation of posts. Restructuring orders were implemented during the year 1986. As such according to the terms of the Estt. Order No.160/83 the applicant ought to have been given promotion in 1983 itself along with others, candidates selected in modified selection procedure, but his promotion was effected from 1.1.1984 interms of Estt.Order No. 159/85. The applicant further submits that Esst.Order No.159/85 was not applied in the case of Sri Rambabu ^{on the ground} that the vacancy in the category of CYM fell vacant on 1-8-83 due to promotion of Sri Md. Abbas to call II. In the same manner a vacancy of Sri Rambabu as CYM in Waltair Division on 1-8-83 due to promotion as Dy.CYM should be shown with effect from 1-8-83 on the same lines as applied in the case of Sri A.Rambabu.

4. This OA is filed for fixation of pay in the pay scale of Rs.2000-3200 as CYM on 1-8-83 as he was promoted against chain promotion on promotion of Sri A.Rambabu to higher post. The Annexure-III at page-14 to the OA bearing No.WPY/309/Dy.CYM dt.5-10-94 clearly indicates that the applicant was promoted as Dy.CYM in the scale of pay of Rs.2000-3,200 consequent to the promotion of Sri A.Rambabu to the higher grade of Rs.700-900. Order also states that the said Sri Rambabu was promoted to the higher grade w.e.f.1-8-83. If the applicant has^d been promoted against the chain vacancy caused by promotion of Sri A.Rambabu, the fixation of pay of the applicant

had to be done in accordance with the Estt.Serial Circular No.160/83,
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(42)

which is^{at} page-12 to the counter affidavit. As per para-3 of this circular it is evident that the fixation of the pay of the employees promoted on the basis^{of} the resultant vacancies, the pay fixation should be uniformly done with effect from 1.1.84. The promotion order dt.5-10-94 clearly indicates under note No.(1) that the applicant is entitled for proforma fixation of pay with effect from 1.1.84 and enhanced pay on such proforma fixation of pay from the date of shouldering higher responsibility. From the office order dt.5-10-94 it is evident that the Sl.Circular No.160/83 has been followed in letter and spirit. The applicant requests following of Circular No.160/83. Hence we do not think any further relief is required in this OA. It is stated that the applicant had filed CA 801/94 in the Calcutta Bench of this Tribunal claiming promotion as Dy.CYM with effect from 1.1.83 instead of 1.1.1984. We are not sure whether that OA contains fixation of his pay also from 1.1.84. Hence we do not propose to observe any thing in that connection. If the applicant had filed OA 801/94 for the same relief as asked for in this CA in the Calcutta Bench of this Tribunal, this OA is not maintainable and hence the same has to be dismissed. The authorities concerned may check up this position and decide whether this OA is maintainable or not as the applicant has not submitted anything in regard to filing of CA 801/94 in the Calcutta Bench of the Central Administrative Tribunal.

5. As stated earlier, the applicant had already received the benefit as given in in Estt.Circular No.160/93. Hence no/further orders are necessary in this OA.

(B.S.JAI PARAMESHWAR)

Member (J) 19.6.98

Dt.19.6.98 (Dictated in open court)

(R. RANGARAJAN)

Member (A)

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Copy to:

1. The Chief Personnel Officer, (P&T), South Eastern Railway, Garden Reach, Calcutta.
2. The Divisional Railway Manager, (Personnel); South Eastern Railway, Waltair, Visakhapatnam.
3. One copy to Mr. Meherchand Noori, Advocate, CAT, Hyderabad.
4. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

8/6/98

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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: 19/6/98

ORDER/JUDGMENT

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

in

O.A.NO. 1545/95

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
प्रेषण / DESPATCH
-2 JUL 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH