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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.159/1995.

Date of decision: October 21, 1997.

Between:

Shaik Ismail.

And

1. General Manager, S.C.Railway,
Rail Nilayam, Secunderabad.
2. Chief Officer, South Central
Railway, Secunderabad.
3. Senior Divisional Personnel Officer,
S.C.Railway, Vijayawada. Respondents.

Name of the counsel: S.Ramakrishna Rao.
for the applicant.

Counsel for the respondents:Sri N.R.Devaraj.

CORAM:

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

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

JUDGMENT.

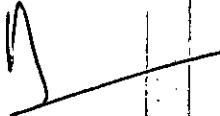
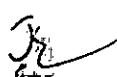
(per Hon'ble Sri R. Rangarajan, Member (A))

Heard Sri S.Ramakrishna Rao, learned counsel
for the applicant and Sri N.R.Devaraj, learned standing
counsel for the respondents.

The applicant joined as a casual labourer with
effect from 12-2-1962 under the control of Inspector of
works (I.O.W.), Vijayawada. He was given regular

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scale of pay on having brought him ~~in~~ temporary status with effect from 10-8-1967. He was posted as a regular Gangman with effect from 11-7-1971 and was posted to work in Bhimavaram Section. It is stated that some of his co-employees requested for transfer to Bitragunta Section as per usual terms and conditions. They were transferred to Bitragunta Section, but they requested to retransfer them to Bhimavaram Section agreeing the terms and conditions mentioned for transfer on request. It is stated that when they were transferred to Bitragunta Section, they lost their seniority and the applicant having continued in Bhimavaram Section, he retained his original seniority and that seniority was not disturbed. Because of his seniority position, the applicant was promoted as Brick Layer, Grade III with effect from 6.8.1982. He was also promoted to Grade II and Grade I with effect from 10-2-1988 and 19.1.1993 respectively. However, he was reverted as Brick Layer, Grade II by the Officer Order No.B./D.535/VII/3/B.Layers/Vol.IV, Vijayawada D/ 29-6-1994 (Office Order No. PEC/B3/1994) (Annexure II to the O.A.). The applicant submitted a detailed representation against his reversion, but that was rejected by the impugned Order No.B/P.535/VII/3/B.Layer/Vol.IV dated 12-9-1994 (Annexure I to the O.A.)



This O.A., is filed to set aside the impugned order passed by the Respondent No.3 dated 29-6-1994 and confirmed by the impugned letter dated 12.9.1994 which has also been passed by the same authority and for granting all consequential benefits.

~~No reply has been filed in this O.A.~~

The learned counsel for the respondents submitted that the applicant was reverted in view of the directions of this Tribunal in T.A.No.372/86 (W.P.No.1456/92) and as per that direction the seniority of the applicant was brought down to 17-10-1979 from 11-7-1971, though the applicant submits that ~~xxxxx~~ nobody else in his unit who will be affected by showing his seniority as 11-7-1971, Para III of the impugned letter d/12.9.1994 implies that some of the employees who had continued as Khalasi in the Unit got their seniority restored and were placed above the applicant. Though the learned counsel for the respondents submits that Annexure I dated 12-9-1994 clearly explains the reply required in this O.A., we are not satisfied with that submission. Para III of the impugned letter dated 12-9-1994 is as vague as it could be. It may not be treated as a reply in this O.A. Probably the learned counsel for the respondents wanted to give some reply and somehow tried

to convince us that Annexure I is the reply ^{to} in this O.A.

In the circumstances, we feel that the only way to dispose of this O.A., is to advise the applicant to file a detailed representation supporting his contention that there were none in the Unit at Bhimavaram eligible to get the seniority in accordance with the direction in T.A.No.372/86. If such a representation is received from the applicant, the respondents should dispose of the same within a period of two months from the date of receipt of his representation.

The learned counsel for the respondents, Sri N.R.Devraj fairly submitted ^{would} that he ~~will~~ take such action as to ensure the implementation of the order without fail from the appropriate Authority. He also

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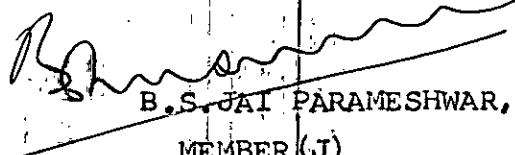
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submitted that he will suitably advise the respondent authorities to take a view consistent with law in the matter.

is disposed of with the following directions:

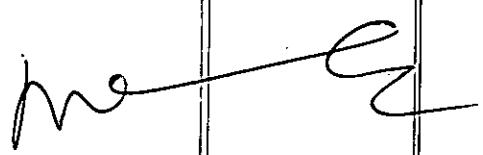
i. The applicant, if so advised, may submit a detailed representation supporting his contention that there were none in the unit at Bhimavaram Section eligible to get the seniority in accordance with the direction in T.A.No.372/86. If such a representation is received from the applicant, the same should be disposed of by the respondent authorities within two months from the date of receipt of such representation giving a clear-cut speaking order in regard to the points raised by the applicant in his representation.

The O.A., is ordered accordingly at the admission stage itself.. No costs.


B.S. JAI PARAMESHWAR,

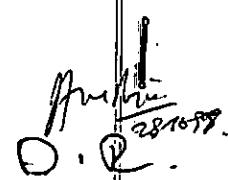
MEMBER (J)

21.10.97


R. RANGARAJAN,
MEMBER (A)

Date: 21st October, 1997.

Dictated in open Court.


D. P. Raja
28.10.97
sss.

OA.159/95

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Officer, South Central Railway, Secunderabad.
3. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada.
4. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

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TYPED BY
COMP REC'D BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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

AND

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

Dated: 21-10-97

ORDER/JUDGMENT

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

in
O.A.NO. 159/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक विविकरण Central Administrative Tribunal प्रेषण/DESPATCH
3 NOV 1997 Hyderabad न्यायपीठ HYDERABAD BENCH

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