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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.334/96.

Dt. of Decision : 31-08-98.

K. Shahkara Rao

..Applicant.

Vs

1. The Dy. Mech. Engineer,
Wagon Workshop,
Guntupalli.
2. The Workshop Personal Officer,
SC Rly, Guntupally.
3. P. Vijaya Kumar
4. Ch. Satyanarayana
5. P. Subba Rao
6. L.K. Sagar Rao
7. B. Hanumantha Rao
8. A. Satyanarayana

..Respondents.

Counsel for the applicant : Mr. P. Krishna Reddy

Counsel for the respondents : Mr. C. V. Malla Reddy, SC for Rlys.

CORAM:-

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

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

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ORDER

(PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMIN.)

Heard Mr.P.Krishna Reddy, learned counsel for the applicant and Mr.Gurupadam for Mr. C.V.Malla Reddy, learned counsel for the respondents. Notice sent to R-3 and R-5 returned unserved. Notice served on R-4, R-6, R-7 and R-8. Called absent.

2. It is stated by the applicant that the applicant who is a Khalasi under IOW/BZA came on request transfer as Khalasi to the Stores Department of the WWS, Guntapally by an order dt.25-10-84. He reported for duty in the Guntapally Workshop on 6-11-84. A seniority list of Khalasi of Stores Department of WWS, Guntapally was published on 25-4-88. In the said seniority list the applicant was placed at Sl.No.116 and the respondents No.3 to 8 were placed at Sl.No.117,120,121,123,125 and 126 respectively. Thereafter another provisional seniority list was published on 31-1-92/6-2-92. In that seniority list the applicant was placed at Sl.No.121 whereas respondents No.3 to 8 were given ranks of 104,107, 108,110,112 and 113 respectively. That provisional seniority list was also finalised on 5-3-92. The applicant submits that he came to know of the final seniority list only ~~later~~ later after it was finalised. He represented in May, 1992 to revise his seniority as per the earlier list dated 25-4-88. It appears that the respondents ~~are~~ ^{did} not choose to send any reply and the restructuring of the cadre dated 8-3-93 his juniors were all promoted. The applicant made representations on 7-4-93, 27-3-95 and 10-5-95. But the applicant states that the respondents have not chosen to give any reply to him.

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3. This OA is filed for a declaration to the respondents that the revision of seniority list by order No.GR/P.612/5/Vol.III, dated 5-3-92 and giving the respondents No.3 to 8 restructuring benefits on the basis of the order dated 8-3-93 and not considering the representations of the applicant filed on 7-4-93 and 27-3-95 is illegal without jurisdiction and for a consequential direction to the respondents No.1 and 2 to restore the seniority of the applicant as published by an order dated 25-4-88 with all consequential benefits such as restructuring benefits, arrears of salary, seniority and promotions.

4. A reply has been filed in this OA. The main contention of the respondents in this OA is that one Mr.Jayasheela Rao, who joined the Guntupally Workshop on 12-8-83 was shown junior to the applicant even though the said Jayasheela Rao was appointed on 12-8-83. The Respondents 3 to 8 were seniors to him on the basis of the selection of Khalasi issued on 22-4-88 (Annexure R-1 to the reply). Since Mr.Jayasheela Rao had to be shown senior to the applicant in view of his date of joining earlier to the applicant seniors to Mr.Jayasheela Rao who are respondents 3 to 8 herein were also shown above the applicant. Hence, the applicant cannot have any grievance if he ^{is} shown junior to R-3 to 8 in this OA.

5. The following details are not available in this OA. They are 1) the date of cadre closure of Guntupally Workshop. If the cadre is closed then the entry into that cadre on request transfer has to be decided on the basis of the rules. If the cadre is not closed even if an employee wants to come on request transfer whether his seniority ^{can} ~~has been given~~ ^{below} at the bottom ~~for~~ ^{is given} those who are already in service. 2) ⁱⁿ the seniority list dt. 25-4-88 does not indicate the applicable date that the seniority list is to be reckoned, ^{is} that is as on which date the seniority list was formed is not indicated. Even if the respondents say that the seniority

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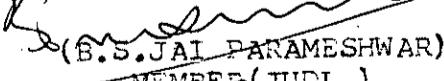
list issued on 25-4-88 as on 1-4-85 it is not clear why the date has not been properly indicated in the letter dated 25-4-88. Hence, ~~we are of the opinion that there is no basis to state that the~~ ^{private respondent} ~~respondent~~ that the seniority list was issued ^{as} on 1-4-85.

3) It is not known whether any other seniority list was issued earlier to 6-5-84 when Mr. Jayasheela Rao resigned from the service. If any seniority list had been issued earlier to 6-5-84 then the name of Mr. Jayasheela Rao cannot be left out as he was available in the Workshop earlier ~~xxx~~ that ~~xxx~~.

6. In view of the above reasons, this Bench is not able to decide conclusively in regard to the authenticity of the seniority list issued by the respondents showing the applicant below the private respondents. Hence a direction has to be given to the respondents to consider the seniority position of the applicant vis-a-vis private respondents 3 to 8 in accordance with law on the basis of the contentions raised in this OA and on the basis of ~~xxx~~ his earlier representations.

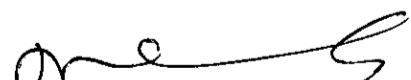
7. In the result, the following direction is given:-
 R-2 is directed to review the seniority ⁱⁿ the light of the contentions made in this OA and also his earlier representations of the applicant keeping in mind the observations made in this judgement. The applicant should be informed his position by a speaking order within 3 months from the date of receipt of a copy of this judgement. The applicant on the basis of the review if entitled for any consequential relief the same should be granted to him in accordance with rules.

8. The OA is ordered accordingly. No costs.


 (B.S. JAI PARAMESHWAR)
 MEMBER (JUDL.)

31/8/98

Dated : The 31st August, 1998.
 (Dictated in the Open Court)


 (R. RANGARAJAN)
 MEMBER (ADMN.)

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 D.R.

~~11/9/88~~

II COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHR⁰ R. RANGARAJAN : M(A)

AND

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

DATED: 31/8/88

ORDER/JUDGMENT

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

C.A.NO. 334/88 ⁱⁿ

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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केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण / DESPATCH

11 SEP. 1998

हैदराबाद न्यायालय
HYDERABAD BENCH