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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.Nos., 660/96 and 1455/1996.

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Date of Order: June 10, 1996.

O.A.660/96.

Between:

- | | |
|---------------------------|------------------------|
| 1. V.S.R. Sharma. | 11. A.Suresh Kumar. |
| 2. V.K.Soloman. | 12. B.Taraknath. |
| 3. O.L.N.Sharma. | 13. C.H.Nimrod. |
| 4. M.Surendernatha Reddy. | 14. K.Sarba Chary. |
| 5. K.Rethnam. | 15. K.Kalyan Sundaram. |
| 6. T.Suryanarayana. | 16. M.Prakash Pal. |
| 7. N.V.V.Satyanarayana. | 17. K.V.M.Sharma. |
| 8. M.Krishna Reddy. | 18. Katta Rathnam. |
| 9. K.N.Bhasker Rao. | 19. M.Kondaiah. |
| 10. M.Sreeram Reddy. | |

APPLICANTS

AND

1. Chief Personnel Officer, South Central Railway, Secunderabad.
2. Divisional Railway Manager (BG) South Central Railway, Secunderabad.
3. Senior Divisional Electrical Engineer, E.L.S. South Central Railway, Lalguda, Secunderabad.
4. Mr. Ravindranath.
5. D.Chokkalingam.
6. K.Bharat Kumar.
7. J.R.K.Chowdary.
8. Sk.Khaja Hussain.
9. V.V.K. Srinivas.
10. Sd.Ghouse Bhasha.

Counsel for the Applicants: Mr. S.Lakshma Reddy.

Counsel for Respondents: Mr. V.Rajeswara Rao.

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O.A.1455/95.

1. P.Ravindranath.
2. D.Chokkalingam.
3. K.Bharat Kumar.
4. J.R.K.Choudhary.

5. Sk. Khaja Bussain.
6. V.V.K.Srinivas.
7. P.Lavakumar.
8. Y.Ravikumar.

APPLICANTS.

AND

1. Union of India per General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. Sri V.S.R. Sarma.
4. Sri T.Suryanarayana.
5. Sri K.Ratnam.
6. Sri N.V.V. Satyanarayana.
7. Sri B. Tarakanath.
8. Sri Ch.Nimrod.
9. Sri K.Sarabhachari.
10. Sri K.Kalyana Sundaram.

RESPONDENTS.

Counsel for the Applicant: Sri G.Ramachandra Rao.

Counsel for the Respondents: Sri V.Rajeswara Rao.

CORAM:

Hon'ble MR. JUSTICE M.G.CHAUDHARY, VICE-CHAIRMAN.

HON'BLE MR. H.RAJENDRA PRASAD, MEMBER (ADMINISTRATION) 

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O.A.No.660/96 and O.A.1455/95.

Dt: June 10, 1996.

JUDGMENT.

(AS PER HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMN.)

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O.A.660/96 and O.A.1455/95 were heard together since the basic issues are common although projected from opposite perspectives. Sri S.Lakshma Reddy (in O.A.660/96) and Sri C.Suryanarayana Sastry for Sri G.Ramachandra Rao (in O.A.1455/95) were heard on behalf of the applicants. Sri V.Rajeswara Rao, Standing Counsel for Railways appeared and argued on behalf of the respondents in both the cases.

2. The core issue in these O.As., concerns the absorption and assignment of seniority of officials, - consequent to their redeployment on being rendered surplus in appointments in Loco Steam side-arising from the policy of electrification introduced in the Railways. The Railway Board have prescribed elaborate and comprehensive guide-lines to meet every possible contingency which might arise in the matters of adjustment/absorption of surplus staff on account of the change in Technologies. These guide-lines were issued after due consultations with the Unions of Railway Workmen.

3. The argument advanced by Sri Lakshma Reddy, learned counsel for the Applicants in O.A.660/96, was that adequate number of vacancies in three different

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cadres are now available, on the electrical traction side to absorb or promote the surplus steam officials who have since duly completed their re-orientation training as well. He asserts that in terms of instructions of the Railway Board, the absorption of the applicants in O.A.660/96 should get overwhelming priority, to the exclusion of all other considerations, and that ^{no} one from any other stream or source can steal a march over them, or be allowed to occupy the grades which they are already enjoying even while working in surplus supernumerary posts. In other words, his contention is that until the last of the unabsorbed trained official from the Loco-Steam side is regularly absorbed in an appropriate grade, equivalent to or on par with his present grade, no one from the other stream, viz., Traction Rolling Stock Organisation, may be absorbed.

4. Another limb of his argument is that when the question of seniority of the surplus steam-staff is not ~~finally decided yet~~, no promotion can be contemplated on the electrical traction side against any available vacancy or post from other streams or sources, including from the Traction Rolling Stock Organisation.

5. In O.A.1455/95 the arguments are seen to run exactly opposite to the pleadings in the earlier O.A., viz., 660/96. It is asserted that the absorption/

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promotion of surplus steam officials should not be permitted to jeopardise the interests of the TRS Officials.

6. After hearing the learned counsel in both the cases, we are of the view that the matter is to be decided finally by the Chief Personnel Officer, South Central Railway, keeping in view the instructions and guide-lines laid down by the Railway Board. The Official respondents do not seem to have done so on account of the pending litigation as represented by the applicants in both these O.As.,

7. In the circumstances, we consider it fair and expedient to dispose of these two cases with the direction that the question of —

- (A) absorption of surplus staff;
- (B) assignment of appropriate seniority of individuals or group of surplus staff; and
- (C) the further placement/promotion of these officials

should be finally decided keeping in view the stated and accepted policy and procedures of the Department as ~~stated~~ spelt out in the guide-lines already issued.

8. At present, no immediate cause exists or has arisen for any specific grievance on either side.

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9. The respondents are, therefore, directed to finally dispose of the entire matter within ninety days from the date of receipt of these orders.

10. The applicants in O.A.1455/95 have challenged the promotion of Sri V.S.R. Sharma (Applicant in O.A.660/96). The pleadings are not very clear on either side in this case. The case may be re-examined with a view to confirming, or reviewing, the promotion accorded to Sri V.S.R. Sharma in the light of full facts, and observations contained in the aforementioned paragraphs. Similarly the final panel drawn up and circulated (Annexure A-1) in O.A.660/96 may also suitably be scrutinised and reviewed/confirmed.

11. Sri Suryanarayana Sastry submitted that the counter filed by the Official respondents in O.A.1455/95 was received by him only on 7--6--1996 and that he was, therefore, unable to formulate his rejoinder. Accordingly, he requested that the case be adjourned by two weeks. We do not consider it necessary ^{to grant any adjournment} in view of the discussion contained in the earlier paragraphs. We have, however, permitted him to proceed with the case on the basis of the written statement filed by the official respondents.

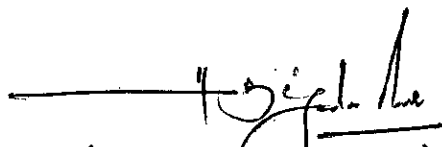
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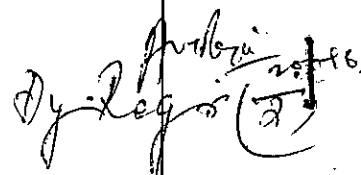
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12. These O.As., are disposed of accordingly.

No costs.


(H. RAJENDRA PRASAD)
Member (Admn.)

(M.G. CHAUDHARI, J)
Vice-Chairman.


Dy. Registrar (2)

Date: June 10, 1996.

Dictated in open Court.

SSS.