

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

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ORIGINAL APPLICATION NO.148 of 1996

DATE OF ORDER: August, 1998

BETWEEN:

1. E.Naga Krishna Kumar,
2. K.R.Ravinder,
3. Premchandra.

.. APPLICANTS

AND

1. Union of India rep. by its
General Manager,
South Central Railway,
Secunderabad,
2. The Chief Personnel Officer,
S.C.Railway,
Secunderabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.S.LAKSHMA REDDY

COUNSEL FOR THE RESPONDENTS: Mr.K.SIVA REDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

JUDGMENT

(ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None on either side.

2. There are 3 applicants in this OA. They were initially appointed as Apprentice Chargeman Trainees and they were brought to the working post of Chargeman-B. The first applicant was posted on 1.7.88, the 2nd applicant on 9.1.89 and the 3rd applicant on 15.5.89. Their next promotion is to the post of chargeman-A in the grade of

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Es.1600-2660. All the applicants are in the common seniority unit of Vijayawada, Moulali Diesel Sheds and LOFP, Hyderabad. Some other Apprentice Chargemen recruited through the Railway Recruitment Board by the same notification of Railway Recruitment Board were posted elsewhere in Kazipet Shed etc. The applicants submit that juniors in the empanelled list of Aplprentice Chargemen who were posted to Kazipet and other Sheds other than their seniority unit had already been promoted as Chargeman-A and that enabled them to get a better seniority position in the integrated seniority list for promotion to the post of Foreman-B. The applicants submit that there were five vacancies of Chargeman-A as on 20.2.93, the same is disputed by the respondents stating that there was only one vacancy on that date and not five vacancies. A seniority list of Chargeman-B of the combined unit namely Diesel Shed, Moulali, Vijayawada and LOFP was issued by R-2 vide letter No.P.612/R&M/DSL dated 13.7.95 (Enclosed as Annexure to the reply). On the basis of that list, the applicants were promoted as Chargeman-A by the Office Order NO.P.535/R&M/DSL dated 6.9.95.

3. The applicants submit that in view of their late promotion to the post of Chargeman-A, their seniority in the integrated list for promotion to the post of Foreman-B will be lowered down compared to the Apprentice Chargeman recruited along with others and posted to Kazipet and other sheds as Chargeman-B.

4. A notification bearing No.P/605/R&M/DSL dated 27.9.95 (Annexure to the reply) was issued for selection to the 12 posts of Diesel Mechanic Foreman-B in the scale of

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pay of Rs.2000-3200 in Kazipet/Vijayawada/Moulali sheds. Out of 12 posts, 8 for OC, 2 for SC and 2 for ST were allotted. The applicants were called for selection by the order No.P.605/R&M/DSL dated 13.12.95 (Annexure I at page 9 to the OA).

5. In view of the fear expressed by the applicants due to their late promotion to the post of chargeman-A, they allege that their chances of promotion to the post of Foreman-B will be reduced.

6. This OA is filed to consider the seniority of the applicants for promotion to the post of Foreman-B for which alert notice was issued on 13.12.95 by taking the date of entry as Chargeman-B of all the candidates called for selection while fixing the integrated seniority and finalised the selection on that basis. They resist the finalisation of the integrated seniority list on the basis of the date of entry into service as Chargeman-A as the criteria. Alternatively, they also pray for showing their date of entry as Chargeman-A when the vacancy had occurred instead of from the date of their assuming charge as Chargeman-A at a later date.

7. A reply has been filed in this OA. The respondents submit that the number of vacancies for filling the post of Foreman-B have been clearly indicated in the notification dated 27.9.95. A combined seniority list was issued by the letter dated 13.7.95. There was only one vacancy of Chargeman-B as on 20.2.93 and not five vacancies as alleged by the applicants. The combined seniority list of Chargeman-B of the Diesel Loco Sheds, Moulali and

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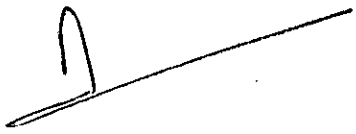
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Vijayawada and LOFP was issued on 13.7.95 and all the applicants were promoted as Chargeman-A by the order dated 6.9.95. The applicants belong to a different seniority unit and they cannot compare their seniority position as Chargeman-A with that of the other sheds which is ^{also} a different seniority unit. The date of entry as Chargeman-A will vary depending on the availability of the posts in their particular seniority unit. The integrated seniority is decided on the basis of the length of service in the feeder category. In the present case, the feeder category for the post of Foreman-B is Chargeman-A and hence the integrated seniority list for promotion to the post of Foreman-B will decide on the basis of length of service as Chargeman-A. The question of fixing seniority from the date of entry as Chargeman-B does not arise as it is against the rules. However, when the Steam Shed was closed and some of the Diesel Shed Chargemen-B were posted in the Diesel Shed, their seniority was fixed taking into account their entry as Chargeman-B in view of the peculiar circumstances that arose due to the closure of the Steam Shed. The promotion of Mr. Viswanatha Reddy referred ^{to} by the applicants in the OA is one such case and that case cannot be a precedent for fixing integrated seniority for promotion to the post of Foreman-B in the present case. It is further stated that the written test for the post of Diesel Mechanic Foreman-B was held on 10.1.96. The first applicant did not qualify in the written test. The 2nd and the 3rd applicants had qualified in the written test and were promoted as Diesel Mechanic Foreman-B taking General Manager's approval for relaxing the stipulation of two years of service in the lower grade. Thus the applicants had not made out a case and hence this OA is liable to be dismissed.

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8. Preparation of the integrated seniority list when such a seniority list has to be prepared from more than one seniority unit, the date of entry in the feeder category decides the relative seniority of the employees. This method of fixing the seniority is adopted in all the cases. The Assistant Station Masters appointed by the same notification of the Railway Recruitment Board are posted to various divisions. Upto certain level, promotions in the divisions are controlled by the Divisional authorities. When a higher post arises which is controlled by the Headquarters, an integrated seniority list is prepared by the Headquarters while alerting the candidates for selection. The ASMs selected by the same RRB selection who are seniors in that list may be brought down in the combined seniority list while calling for higher grade selections controlled by the Headquarters as such senior selectees would have been promoted to the feeder category later in their parent allotted division. This happens because of the availability of the vacancies in the higher grades in the Division. Similar position exists in the other categories also. Hence the applicants cannot compare their seniority with the persons appointed in the other seniority units while they are alerted for the post for which selection is held by the Headquarters unit. The date of entry in the feeder category will decide the seniority position. Hence the request of the applicants herein to prepare the integrated seniority list on the basis of their entry as Chargeman-B is not in order and not tenable. The seniority list has to be prepared on the basis of entry as Chargeman-A for promotion to the post of Foreman-B.




9. The applicants submit that there were five vacancies as on 20.2.93 in the grade of Chargeman in their seniority unit. But the respondents denied the same stating that there was only one vacancy and not five. As the respondents submit on the basis of the records, and as no rejoinder has been filed to this ^{reply} it has to be held that there were no five vacancies as on 20.2.93 and there was only one vacancy. Even if there were five vacancies, the applicants cannot demand to promote them against those vacancies if the respondents feel that there is no work load to fill up those posts. The date of entry cannot be preponed from the date of occurrence of vacancies in any case.

10. As can be seen from the reply, the 1st applicant failed in the examination whereas the 2nd and the 3rd applicants had passed the selection and they were posted as Diesel Mechanic Foreman-B relaxing two years of service in the lower grade. Hence it appears that the applicants are not much interested to pursue their cases when it was listed to-day.

11. In view of what is stated above, the OA has no merits and hence it is liable only to be dismissed and accordingly it is dismissed. No order as to costs.



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



(R. RANGARAJAN)
MEMBER (AMDN.)

DATED: 6th AUGUST, 1998

vsn/spr


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Copy to:

1. The General Manager, South Central Railway, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr.K.Siva Reddy, Addl.CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One Duplicate copy.

YLKR

12/8/98 (6)

II COURT

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CHECKED BY

COMPARED BY

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: 6/8/98

ORDER/JUDGMENT

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

in

C.A.NO. 148/96

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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