

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.153 of 1996

DATE OF ORDER: 17th August, 1998

BETWEEN:

CH.LAKSHMANA RAO

.. APPLICANT

AND

1. The Chief Personnel Officer (Commercial),
South Eastern Railway,
Garden Reach, Calcutta-43,
2. The Sr.Divisional Personnel Officer,
S.E.Railway, Waltair,
3. The Divisional Personnel Officer,
S.E.Railway, Waltair,
4. The General Manager, S.E.Railway,
Calcutta-43,
5. The Chairman,
Selection Committee,
O/o Divisional Personnel Officer,
S.E.Railway, Waltair,
6. Shri Md.Hussain Shareiff

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.MVSD PRASADA RAO

COUNSEL FOR THE RESPONDENTS: Mr.V.BHIMANNA, Addl.CGSC

CORAM:

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

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

JUDGEMENT

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

Heard Mr.Sastry for Mr.MVSD Prasada Rao, learned counsel for the applicant. Mr.Lakshman Rao, Head Clerk from Railways was present who produced the seniority list of TTEs/Senior TCs in the grade of Rs.1200-2040. The notice to R-6 returned unserved.

R

1

2. Both the applicant and R-6 were working as Conductors in the Railways in the grade of Rs.1400-2300. Earlier, the post of Conductor was filled up on non-selection basis i.e, seniority-cum-suitability from the category of TTEs/Senior TCs. The post of Head TTE, Head Clerk was selection post from the category of TTEs and Senior TCs. The posts of Conductor and Head TTE are not inter-changeable. However, as the post of Conductor interfaces with the public, Railway Board decided that only selected candidates should be posted as Conductor. Hence they combined the cadre of Conductors and HTTEs from a particular date and an integrated seniority list was drawn on that date. Conductors were placed in the seniority list on the basis of their posting as Conductor. In that list, the seniority of the applicant was shown below that of R-6. It is stated that R-6 was promoted to the post of Conductor Gr.II earlier than the applicant and was senior to the applicant in that grade. R-6 retained the same seniority above the applicant in the combined seniority unit. This has been intimated to the DRM(P) by the CPO by the letter No.P/L/11/E/739/POL/Sr.TTE/Sr.TC, dated 7.5.90 (Annexure R1 to the reply). The applicant submits that he was regularised with effect from 6.4.88 and that R-6 was promoted later than him. Hence he should be shown senior to R-6. The respondents submit that R-6 was initially promoted on ad hoc basis earlier to the regular promotion in the year 1997 and both were regularised as Conductors with effect from 6.4.88.

3. This OA is filed to set-aside the impugned order No.P/2/11/E/TTE/3735/739/POL dated 29.9.95 whereby R-1 has

Dr

1

placed R-6 above the applicant and consequently consider him for seniority above R-6 for further promotions.

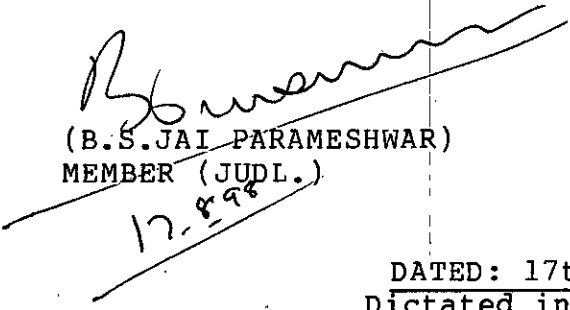
4. We have asked the learned counsel for the respondents whether R-6 was promoted earlier to the applicant. The learned counsel for the respondents submitted that R-6 was promoted earlier to the applicant on ad hoc basis and both were regularised with effect from 6.4.88. Hence we are not sure whether the promotion of R-6 even on ad hoc basis earlier to the applicant is in order or not. The seniority of ~~TTEs~~/Senior TCs would decide whether ad hoc promotion of R-6 earlier to the applicant is in accordance with the seniority position in the lower grade of ~~TTE~~/Senior TC. Today a seniority list of TTEs/Senior TCs as on 31.12.87 was produced. It is seen from the list that the applicant stands at Sl.No.38 whereas R-6 stands at Sl.No.34. Hence R-6 is senior to the applicant even in the cadre of TTEs/Senior TCs. Since R-6 is senior to the applicant in the cadre of TTEs/Senior TCs, he was given promotion on ad hoc basis earlier to the applicant and that promotion was regularised on 6.4.88 when the applicant was also regularised. Hence we do not find any irregularity in showing R-6 as senior to the applicant even in the integrated seniority list of HTTEs/HTCs/Conductors when the amalgamation of the cadres namely, Conductors and HTTEs/Senior TCs took place. R-6 is senior to the applicant right from the stage of TTE/Senior TC and he was also promoted as Conductor on ad hoc basis earlier to the applicant and was regularised on the same date as that of the applicant. Hence from the details of this case, we find that there is no irregularity committed


R

A

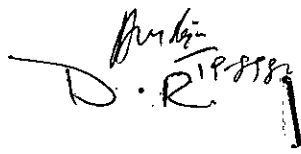
by the Department in placing R-6 above the applicant.

Hence the application is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
17.8.98


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 17th August, 1998
Dictated in the open court.


D.R. 1988

vsn

DA.153/96

Copy to:-

1. The Chief Personnel Officer (Commercial), South Eastern Railway, Garden Reach, Calcutta.
2. The Sr. Divisional Personnel Officer, S.E. Railway, Waltair.
3. The Divisional Personnel Officer, S.E. Railway, Waltair.
4. The General Manager, S.E. Railway, Calcutta.
5. The Chairman, Selection Committee, O/e Divisional Personnel Officer, S.E. Railway, Waltair.
6. One copy to Mr. MVSD Prasada Rao, Advocate, CAT., Hyd.
7. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate copy.

SRR

27/8/98

9

II COURT

TYPED BY
COMPARED BY

CHECKED 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:

17/8/98

ORDER/JUDGMENT

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

in

C.A.NO.

153/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

