

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.1139 OF 1996.

DATE OF ORDER:16-12-1998.

Between:

1. P.Ammaji Rao.
2. V.Appa Rao.
3. L.S.N.Murthy.
4. T.Sadanand. .. Applicants

a n d

1. General Manager, S.E.Railway
(representing Union of India),
Garden Reach, Calcutta-43.
2. Chief Personnel Officer,
(Administration), S.E.Railway,
Garden Reach, Calcutta-43.
3. Chief Mechanical Power Engineer(R&L),
S.E.Railway, Garden Reach, Calcutta-43.
4. Divisional Railway Manager,
S.E.Railway, Dondaparthi, Visakhapatnam.
5. Senior Divisional Personnel Officer,
O/o Divisional Railway Manager, S.E.Railway,
Dondaparthi, Visakhapatnam.
6. P.Surya Rao, Working as Diesel Assistant,
S.E.Railway, Rayagada(Orissa) (Sl.No.221 of
Seniority List).
7. S.Shindey, working as Diesel Assistant,
Kantabamji, R.S.(Orissa) (Sl.No.223 of
Seniority list).
8. G.Ramana, working as Sr.Diesel Driver
Assistant, S.E.Railway, Waltair
(Sl.No.225 of SeniorityList).

....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS :: Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.S.Ramakrishna Rao, learned Counsel for the
Applicants and Mr.V.Bhimanna, learned Standing Counsel
for the Respondents.

R

1

.....2

88

2. This OA is filed for the following reliefs:-

- a) Quash the impugned Order No.WPV/MM/DDAs/Part-I/95, dated:21-6-1996 issued by the 5th Respondent promoting Asst.Drivers(DSL/ELE), who are juniors to the applicant;
- b) call for the records relating to seniority of the applicants and set aside the illegal seniority list, duly declaring it as arbitrary, illegal, unwarranted and in violation of Articles 14 and 16 of the Constitution; and
- c) direct the Respondents to revise the seniority and promote the applicants to the grade of Senior Assistant Drivers in the scale of Rs.1200-2040 with effect from the date their juniors were promoted i.e., from 13-4-1995, with all consequential benefits including seniority, promotions and arrears of pay since the very rank juniors were promoted as Sr.Asst.Drivers against the interests of the applicants.

3. It is now stated for the applicant that the applicant desires to challenge the Letter No.WPV/MR/OA/Part-II/17/93, dated:24-11-1993(Annexure.A-V, page.23 to the OA), whereby the date of regularisation of the applicants were brought down ~~up to~~ 1993, whereas they were posted on adhoc basis with effect from 1991.

4. This, in the opinion of the learned Counsel for the Applicant, will be more fruitful to decide the case of the applicant. In that view the learned Counsel for the Applicant, submits that he is withdrawing this O.A. and file a fresh OA for fixing his seniority on the basis of his adhoc appointment in the year 1991.

R

.....3



5. The OA is allowed to be withdrawn. Permission is also given to file a fresh OA in accordance with the law.

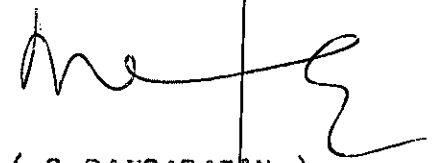
The period from 27-8-1996 till date will not be counted for limitation when a fresh OA is filed.

6. In the result, the OA is disposed of as withdrawn subject to the observations as made above. No costs.


(B.S.JAI PARAMESHWAR)

MEMBER (JUDL)

161298



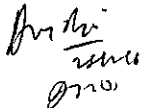
(R.RANGARAJAN)

MEMBER (ADMN)

DATED: this the 16th day of December, 1998

Dictated to steno in the Open Court

DSN



copy to:-

1) D.R (A)

2) Spare

6/1/99

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 PARAMESWAR :
M(J)

DATED: 16/12/98

ORDER/JUDGMENT

MA/R.A./C.P. NO.

DA. NO.

1139/98

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

9 copies

