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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 188/96

Date of Order: 9.2.96.

Between:

1. D.Cheralu 15. M.A.Rahim 31. S.Mohiuddin
2. B.Sarangam 16. V.Suryaprakasa Rao 32. Y.Masiana
3. P.Chandraiah 17. P.Narasaiah 33. P.Ramakrishna
4. J.B.Sankeraiah 18. V.Venkatanarayana 34. A.Narasaiah
5. P.Kumara Swamy 19. V.Ethirajulu 35. Raghuveer Singh
6. Md.Yousuf 20. N.Rajeswar Rao 36. M.Narayana
7. D.Yadagiru 21. J.Veerasham 37. A.Lingam
8. V.Bhaskara Rao 22. S.Pullaiah 38. B.Umesh
9. K.N.C.Mohanachary 23. K.Nagasaikumar 39. R.Xavier
10. Md.Vinod Kumar 24. Sk.Bashumiya 40. D.Ramachandra Rao
11. Md.Fazulullah 25. Ab.Nasir 41. B.Krishna Kumar
12. V.S.N.Murthy 26. Gulam Mohammed 42. J.Balakrishna
13. N.Jairam 27. B.K.Sarangam 43. G.Yohan
14. V.Gopal 28. P.Rudradev 44. H.Christopher
48. S.D.Solman 49. K.Iylaiah 50. B.Muralidhar 51. M.F.Christopher
46. P.Narasaiah
47. N.R.L.Sarma

48. S.D.Solman 49. K.Iylaiah 50. B.Muralidhar 51. M.F.Christopher

...Applicants.

And

1. The Divl.Riy.Manager, (P), B.G., South Central Railway, Sanchalan Bhavan, Secunderabad.
2. The Divisional Railway Manager, B.G. South Central Railway, Railnilayam, Secunderabad.
3. The Chief Personnel Officer, B.G. South Central Railway, Railnilayam, Secunderabad.
4. The General Manager, South Central Railway, Railnilayam, Secunderabad.
5. The Chairman, Railway Board, Rail Bhavan, New Delhi.

Respondents.

For the Applicant :- Mr. N.Krishna Rao

For the Respondents: Mr. *Dif. powd. S.C. for Am.*
Sr. Add. CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

contd.

O.A.NO.188/96

JUDGEMENT

Dt: 9.2.96

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

All these 51 applicants were working as Skilled Fitters before their lateral induction to the post of Diesel Assistant on the basis of the notification No.CP/529/P/11/1 dated 15.12.91 (Annexure-II). They were appointed as Diesel Assistant by the lateral induction as per the proceedings No.CP/529/P/11/1/Screening Volunteers dated 13.8.92 (Annexure-III). The pay scales of Skilled Fitters and Diesel Assistants in the Diesel Shed are the same viz. Rs.950-1500. In the Seniority list No.CP/371/ELR dt.28.7.95 (Annexure-XII) of 1st Fireman/Diesel Assistants-III in Gr. Rs.950-1500 as on 30.11.91, the names of the applicants were not found. // Hence they filed this OA praying for a direction to the respondents to fix their seniority in the category of Diesel Assistants from the date of their promotion to the post of Artisans in the pay scale of Rs.950-1500 and for consequential ----- respondents to issue the revised seniority list in the category of Diesel Assistants by withdrawing the present seniority list issued through the proceedings No.CP/371/ELR dt.28.7.95 (Annexure-XII) and also for quashing the proceedings of R-1 vide O.O.No.34/ELR/93 dt.28.6.93 whereby transfer facilities were denied to them holding it as illegal arbitrary and unconstitutional apart from violative of the principles of natural justice and contrary to the provisions in the Railway Board letter No.E(NGO)1/90/PM7/34 dt.16.7.91 and the proceedings of R-1 in No.CP/529/P/11/1 dt.15.10.91 and provisions of Rule 311 of Indian Railway Establishment Manual.

3. The main relief in this OA is that the the applicants should get their seniority in the cadre of Diesel Assistants right from the date they were regularly promoted/appointed as Skilled Fitters in the Diesel Shed in South Central Railway.



4. The seniority list Dt.28.7.95 at Annexure-XII though was issued on 28.7.95, the provisional seniority list ~~is~~ as on 30.11.91. The proceedings by which the applicants were taken as Diesel Assistants by lateral induction is dated 13.8.92. Hence there can be no reason for their complaint that their names were not found in the seniority list which was issued prior to the proceedings dated 13.8.92, for they were not Diesel Assistants or Firemen as on 30.11.91, the date upto which the seniority list at Annexure-XII was issued.

5. But their names should find at appropriate place in the seniority list to be issued after the issue of the proceedings if they have joined the post of Diesel Assistant by then after issue of the proceedings dated 13.8.92. The applicants had submitted representation for including their names in the seniority list of Diesel Assistants at the appropriate place. Some of those representations are at Annexure-VI onwards. But it is stated that those representations have not been replied so far.

6. The learned counsel for the applicants submitted that he is not pressing for the relief in regard to deprivation of the transfer facilities as indicated in Annexures X and XI.

7. In the result, the following direction is given:

R-1 should include the name of the applicants also in the seniority list of Diesel Assistants of a date later to 13.8.92 at the appropriate place in accordance with the rules. If the applicants are aggrieved by interpolation of their names in the seniority list which



has to be issued after the issue of the proceedings dated 13.8.92, they are at liberty to approach this Tribunal challenging the same under Section 19 of the Administrative Tribunals Act, 1985.

8.2 The OA is ordered accordingly. No costs. //

m
(R.RANGARAJAN)
MEMBER (ADMN.)

Neeladri
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 9th February, 1996
Open court dictation

Avtar Singh
DEPUTY REGISTRAR(J)

vsn

To

1. The Divisional Railway Manager(P), B.G., South Central Railway, Sanchalan Bhavan, Secunderabad.
2. The Divisional Railway Manager, B.G., South Central Railway, Railnilayam, Secunderabad.
3. The Chief Personnel Officer, B.G., South Central Railway, Railnilayam, Secunderabad.
4. The General Manager, South Central Railway, Railnilayam, Secunderabad.
5. The Chairman, Railway Board, Rail Bhavan, New Delhi.
6. One copy to Mr. N. Krishna Rao, Advocate, CAT, Hyderabad.
7. One copy to Mr. , SC for Rlys. CAT, Hyderabad.
8. One copy to Library, CAT, Hyderabad.
9. One spare copy.

YLKR

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13/96
I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(A)

Dated: 9-2-1996

~~ORDER~~ JUDGMENT

M.A/R.A./C.A.No.

in

O.A.No.

188196

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed. admission stage.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

a/w (S) open
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केन्द्रीय प्रशासनिक अदायकता
Central Administrative Tribunal

द्वेष्टा/DEEPTCH

27 FEB 1996

हृदयवाह यायपीठ
HYDERABAD BENCH