

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A. No. 191 OF 1996.

Date of Order: 10-8-1998.

Between:

1. Mrs. C. A. Longford.
 2. Mahabooib Sheriff.
 3. M. Prabhakar.

.. Applicants

and

1. The General Manager, (representing Union of India), South Central Railway, Rail Nilayam, Secunderabad.
 2. The Divisional Railway Manager, South Central Railway, Guntakal.
 3. Senior Divisional Personnel Officer, South Central Railway, Guntakal.
 4. Senior Divisional Signal & Telecommunications Engineer, (Maintenance), S.C.Railway, Guntakal.
 5. Smt. K. Padmavathi, w/o not known, aged 36 yrs, Working as Senior Clerk (now promoted as Head Clerk), O/o Sr.D.S.T.E., (Office) South Central Railway, Guntakal.

.. Respondents

COUNSEL FOR THE APPLICANTS :: Mr. S. Rama Krishna Rao

COUNSEL FOR THE RESPONDENTS :: Mr. V. Rajeshwara Rao

CORAM:

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

AND

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

: ORDER :

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

Heard Mr. S. Rama Krishna Rao for the Applicants and Mr. V. Rajeshwara Rao for the Respondents. Notice was served on Respondent No. 5, called absent.

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2. There are three applicants in this O.A. They ~~were~~ all joined as Junior Clerks along with Respondent No.5 on 20-11-1980. However, they were placed above Respondent No.5 in the cadre of Junior Clerk as can be seen from the seniority list issued by No.C/P.612/N/2, dated: 16-11-1987 as on 31-7-1987 (Annexure. IV to the OA). The applicant No.1 was promoted as Senior Clerk on 11-6-1982, applicant nos.2 and 3 on 8-12-1987 and Respondent No.5 was promoted as Senior Clerk on 8-12-1987. The Respondent No.5 further promoted as Head Clerk on 16-11-1995 against the SC roster point as per Office Order No.S&T/39/95, dated:16-11-1995 (Annexure. I to the OA). All the three applicants are reported to have been promoted as Head Clerks in March, 1997.

3. This OA is mainly filed for the promotion to the Head Clerk challenging the promotion of Respondent No.5 as Head Clerk on the ground that their seniority list for promotion to Head Clerk was not prepared properly in accordance with R.K.SABARVAL's case (reported in 1995 SCC (L & S) Page.548).

4. The office Order dated:16-11-1995 whereby Respondent No.5 was promoted as Head Clerk (enclosed as Annexure. I to the OA) was perused. In that office order Six OC candidates who were promoted on adhoc basis as Head Clerks were regularised and Respondent No.5 was also promoted as Head Clerk on the basis of the SC roster point. Hence the applicants cannot challenge the promotion of Respondent No.5 even if the R.K.SABARVAL's case had not been followed in fixing the seniority of the applicants vis-a-vis the Respondent No.5. The Respondent No.5 ^{was} having been promoted against SC roster point and all the others ~~who~~ were

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against promoted/ OC point being seniors to the applicant, hence the question of challenging the promotion of Respondent No.5 does not arise. As stated earlier, the OA was filed before promotion of the applicants herein as Head Clerk. All of them have been promoted in March, 1997. The only question that will arise is in regard to their seniority vis-a-vis Respondent No.5 for promotion to the post of Office Superintendent Grade-II. We have no doubt in our mind that the respondents will prepare the seniority list of Head Clerks for promotion to Office Superintendent Grade-II in accordance with the rules following the instructions issued on 28-2-1997 (enclosed as Annexure.1 to the reply).

5. In view of the above, no order is necessary in this OA. The OA is disposed of. No costs.

B.S.JAI PARAMESHWAR
(B.S.JAI PARAMESHWAR)
MEMBER (JUD L)

10.8.98

R.RANGARAJAN
(R.RANGARAJAN)
MEMBER (ADMN)

Dated this the 10th day of August, 1998

Dictated to steno in the Open Court

DSN

D.R
10.8.98

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Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Guntakal.
3. Senior Divisional Personnel Officer, South Central Railway, Guntakal.
4. Senior Divisional Signal & Telecommunications Engineer, (Maintenance), South Central Railway, Guntakal.
5. One copy to Mr.S.Namakrishna Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

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~~20/2/98~~
II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRØ R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B. S. JAI PARAMESWAR :
M(J)

DATED: 10/8/98

ORDER/JUDGMENT

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

in

C.A.NO. 191/96

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

