

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.365/96

dt.18-3-97

Between

Ch. Venkateswarulu

: Applicant

and

1: Union of India, rep. by
General Manager
SC Rly., Rail Nilayam
Secunderabad 500041

2. Divnl. Rly. Manager
SC Rly., Vijayawada Divn.
Vijayawada, Krishna Dist.

3. Sr. Divnl. Personnel Officer
SC Rly., Vijayawada Divn.
Vijayawada, Krishna Dist.

: Respondents

Counsel for the applicant

: K. Sudhakara Reddy
Advocate

Counsel for the respondents

: V. Bhimanna
SC for Railways

CORAM

HON^{BLE} MR. R. RANGARAJAN, MEMBER (ADMN.)

HON^{BLE} MR. B.S. JAI PARAMESWAR, MEMBER (JUDL)



Judgement

Oral Order (per Hon. Mr. R. Rangarajan, Member (Admn))

Heard Sri K. Sudhakar Reddy, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

1. The applicant in this OA while working as Station Porter applied for the post of Switchman when a notification dated 25-2-1993 was issued by Respondent-3. About 217 candidates responded to that notification and 136 passed the written test for the post of Switchman. After viva-voce 135 candidates were empanelled. They were also subjected to psychological test before being ~~subjected to~~ posting. It is stated that the applicant qualified in the examination and found fit for posting as Switchman after passing all the tests in that connection. However, he was not posted. It was stated that two of ^{his} ~~the~~ juniors viz. M. Poulus and P. Bhavanarayana were posted as Switchman. It is also stated that one Suryanarayana Sastry who is junior to the applicant also has been posted as Switchman. The applicant pointed out that Suryanarayana Sastry is junior to him and he cannot be posted as Switchman when the applicant is well qualified. Administration is reported to have been deleted the name of Suryanarayana Sastry from the panel.
2. This OA is filed praying to call for records of Switchman selection and promote him as his junior has been promoted.
3. A reply has been filed. The facts of this case in forming the ^{panel} ~~case~~ of Switchman is not disputed, but the respondents submit that S/Sri Poulus and Bhavanarayana are senior

to him as Station porters and hence they were empanelled. It is further stated that the applicant and S/Sri Poulus and Bhavanarayana came from Engineering Department on ~~the~~ request accepting bottom seniority and joined operating department earlier to the applicant and hence they were shown senior to the applicant. In view of the seniority position in the cadre of Station Porter, they were empanelled for the post of Switchman as they were found fit for promotion as Switchman. The applicant being junior to them cannot challenge their appointment.

4. Learned counsel for the applicant submits that ^{he,} S/Sri Poulus and Bhavanarayana belong to Engineering Department and ~~he~~ is senior to those two employees ^{when} as they were relieved from Engineering Branch by the same order. But the applicant was relieved late and hence he joined the Operating Branch later than joining of S/Sri Poulus and Bhavanarayana. Hence, he should be shown senior to those two employees. On that basis he should be considered for promotion to the post of Switchman.

5. When an employee comes to the other Department on his own request then the date of entry in the new Department decides the seniority position of that employee. It is not disputed that the applicant joined Operating Department later than S/Sri Poulus and Bhavanarayana. Hence, as per the date of entry in the Operating Department ^{the applicant} should be deemed to be junior to S/Sri Poulus and Bhavanarayana. If the applicant is aggrieved by the position of seniority in the Operating Department then he should challenge that seniority list and after he challenges, ~~he~~ ^{as} ~~appeals~~ his seniority is shown senior to S/Sri Poulus

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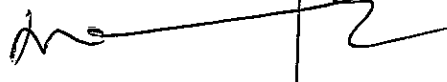
and Bhavanarayana, on the basis of the challenged ~~seniority~~ list, then the applicant has a locus-standi for posting him to the post of Switchman. When that seniority list is ~~not~~ existing he cannot challenge promotion of S/Sri Poulus and Bhavanarayana for posting as Switchman, ~~as~~ in Operating Department, ^{as} at present these two employees are senior to the applicant as per the existing seniority list.

6. The applicant now submits that the name of Sri Suryanarayana Sastry has been deleted from the list of Switchman and hence against that vacancy the applicant can be posted as Switchman. The learned counsel for the respondents submitted that he may submit a representation in that connection to the Competent authority and if such a representation is received the Competent authority will consider his representation in accordance with the rules.

7. In view of the above submission there is no need for any further direction from this Bench.

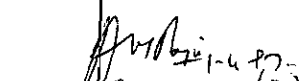
8. In the result, we find no merit in the OA. Hence, the OA is dismissed. However, we have no doubt in mind that if any representation is filed as above, the respondents will consider his case in accordance with law as submitted by the learned Standing counsel.


(B.V.S. Jai Parameswar)
Member (Judl)


(R. Rangarajan)
Member (Admn)

18/3/97

Dated : March 18, 97
Dictated in Open Court


Dy. Registrar (S)

: 5 :

Copy to:-

1. The General Manager, S.C.Rly, Union of India, Railnilayam, Secunderabad.
2. Divisional Rly Manager, S.C.Rly, Vijayawada Division, Vijayawada, Krishna Dist.
3. Sr. Divisional Personnel Officer, S.C.Rly, Vijayawada Division, Vijayawada, Krishna Dist.
4. One copy to Sri. K.Sudhakar Reddy, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
6. One copy to Deputy Registrar(A), AT, Hyd.
7. One spare copy.

Rsm/-

SPK
28/4/97

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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:

18/3/97

ORDER/JUDGEMENT

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

O.A.NO.

^{IN}
365/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALL JUD

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

