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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.579/96

dt.29-8-97

Between

1. M. Rama Swamy
2. Ch. Sobhanadri
3. M. Reddappa

: Applicants

and

1. The Divnl. Rly. Manager
SC Rly., Vijayawada
2. Sr. Divnl. Personnel Officer
SC Rly., Vijayawada
3. Sr. Divl. Comml. Supdt.
SC Rly., Vijayawada
4. Genl. Manager
SC Rly., Rail Nilayam
Secunderabad

: Secunderabad

Counsel for the applicants

: K.S. Murthy
Advocate

Counsel for the respondents

: V. Bhimanna
SC for Railways

CORAM

HON. MR. H. RANGARAJAN, MEMBER (ADMN.)



Judgement

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

Heard Mr. K.S. Murthy for the applicants and Sri V. Bhimanna for the respondents.

1. There are three applicants in this OA. It is stated that they were engaged in Railways on daily-wages basis in 1974. They had worked in other Departments such as Engineering, Catering etc. and later they were engaged as Casual Labourers in Commercial Department. They were also granted temporary status in the pay scale of Rs.196-232 in Commercial Branch. The first two applicants were granted temporary status by letter dated 20-8-85 with effect from 4-12-1984 and the third applicant was granted temporary status with effect from 4-12-1984 by letter dated 8-8-1986. A seniority list was issued in the Commercial Branch for these Casual labourers employed in that Department. Aggrieved by their seniority position shown in that seniority list, they approached this Tribunal by filing OA.1109/92 which was disposed of on 24-8-95. In pursuance of a direction given in that OA, the seniority of all the applicants were revised by memo No. B/P.407/I/Screening/Vol.II, dated 10-5-95 (Annexure A-9 page 22 of the OA). In that the seniority of the applicants 1 and 2 were revised whereas the seniority of the applicant No.3 was kept in the same position as it is stated that the seniority position was correctly reflected in the seniority list issued on 12-12-1986. The applicants were satisfied with the seniority shown by them by memo dated 10-5-1995. In the meanwhile a proposal was mooted by impugned letter No.2-5-96 (A.12, page 25 of the OA), to absorb the three

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applicants herein in the Operating Branch on regular measure. The applicants herein were not willing for absorption in the Operating Branch.

3. This OA is filed praying for a direction to the Respondents to regularise the applicants in the Commercial Department of Vijayawada Division of South Central Railway after duly implementing the benefits accrued under Memo No. B/P.407/I/Screening/Vol.II dated 10-5-1995 (Annexure-9, page 22 of the OA) issued by Respondent No.2 after declaring the letter No.B:P.407/I/Screening/Vol.II dt.2-5-96 (Annexure 12 page 25 of the OA) as illegal, arbitrary, unconstitutional and not applicable to the applicants.

4. After the OA was filed it is stated that the applicants were absorbed in Commercial Department itself by office order No.Comml./87/96 bearing No.B/P.407/I/Screening/Vol.II dated 21-8-96 (Annexure A.2 to the Reply). In view of the above the challenge to the letter dated 2-5-96 has become infructuous as their request for absorption in Commercial Department had been agreed and they were also absorbed in Commercial Department from 21-9-96. The applicants now submit that their seniority has been revised in the Commercial Branch in view of memo dated 10-5-1995. As per the seniority list dated 10-5-1995 some of their juniors who were earlier absorbed in Commercial Department had been promoted to the Higher Grade. Hence, they should also be considered for promotion to the higher grade on the basis of seniority given to them in terms of letter dated 10-5-95.

5. The benefits that would accrue to them on the basis of their revised seniority ^{have} ~~has~~ to be spelt out. It is not possible for this Tribunal to give a direction without knowing the full details if any of their juniors had already been

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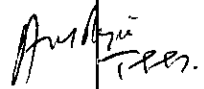
promoted to the higher posts, then the applicants should indicate their names and ask for relief from the Department. It is not necessary for the Tribunal to examine those issues without proper details. Hence, it is for the applicants to submit a detailed representation to the concerned respondent authorities for the benefit they thought ^{that} had accrued to them in view of memo dated 10-5-95 and request them to grant those benefits. If such a representation is received it is for the respondents to take a suitable decision on the facts of this case expeditiously. Ofcourse, the applicants can approach this Tribunal if they are going to be aggrieved by the decision to be taken ⁱⁿ of their representation. Hence, no further order is necessary in regard to the prayer in this OA.

6. The OA is disposed of with no orders in view of what is stated above. No costs.


(R. Rangarajan)
Member (Admn.)

Dated : August 29, 97
Dictated in Open Court

sk


D. R. (J)

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Copy to:

1. The Divisional Railway Manager,
South Central Railway,
2. Senior Divisional Personnel Officer,
South Central Railway, Vijayawada.
3. Senior Divisional Commercial Supdt.,
South Central Railway, Vijayawada.
4. General Manager, South Central Railway,
Railnilayam, Secunderabad.
5. One copy to Mr.K.S.Murthy, Advocate,CAT,Hyderabad.
6. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT,Hyderabad.
7. One duplicate copy.
8. One copy to D.R(A),CAT,Hyderabad.

YLKR

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12/9/92

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TYPED BY
COMPALED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.R. USARJAN : M (A)

AND

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

Dated:

29/8/97

ORDER/JUDGEMENT

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

in

C.A.NO.

579/96

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

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज/DESPATCH

19 SEP 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH