

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

\*\*\*

C.A.846/96.

Dt. of Decision : 1-9-98.

K.V.Narayana

...Applicant.

Vs

1. The Chief Personnel Officer,  
SC Rly, Rail Nilayam, Sec'bad.
2. The Divl. Rly. Manager,  
SC Rly, Vijayawada.
3. The Sr.Divl. Personnel Officer,  
SC Rly, Vijayawada.

...Respondents.

Counsel for the applicant : Mr.P.Krishna Reddy

Counsel for the respondents : Mr.D.F.Paul, SC for Rlys.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI P. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.Krishna Reddy.P, for the applicant and Mr.D.F.Paul, learned counsel for the respondents.

2. The applicant in this OA was directly recruited through Railway Service Commission as Typist in the scale of Rs.160-180/- in Sec'bad (BG) Division, SC Railway. On 16-10-69 he was promoted as regular junior stenographer at Kazipet in the scale of Rs.130-300/-. On 5-7-73 he was transferred on the same pay and scale to Railway Electrification Project, Vijayawada. While working <sup>in RE,</sup> as on 1-2-74, he was promoted as adhoc senior steno in the scale of Rs.425-700/-. While working in the RE organisation at Vijayawada the applicant had exercised his option to join Wagon Workshop, Guntupally as senior Stenographer in the year 1973. By an office order No.P.137/Mech./WRS/RFP/10 dated 11-4-78 he was transferred to Guntupally on the existing pay and grade to work under Dy.CME/WRS. He reported for duty at Guntupally on 16-6-78.

3. The CPO, Sec'bad by his Telegraph<sup>ic</sup> message dated 24-7-79 issued directions for merger of Typists and stenoes of Wagon Workshop, Guntupally with the Vijayawada Division for the purpose of seniority and channel of promotion. There were objections to the integrated seniority list of Stenographers and Typists. Based on the seniority list eligible staff were to be considered for the post of Jr. Stenoes and Sr. Stenoes. Further the merger was directed by the General Manager in his letter dated 5-1-80 and the same was challenged by filing W.P.No.3704/80 which was transferred to this Tribunal and registered as T.A.No.213/86. The same was dismissed.

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4. The Vijayawada Division was not sure of confirming him in Sr.Stenographer cadre in the combined seniority list as the result of <sup>his</sup> ~~the~~ passing of the speed test of 100 W.P.M. was not available to them. Further the applicant also requested for his seniority as Sr.Stenographer w.e.f., the date he was promoted as adhoc senior stenographer in the RE organisation i.e., from 1-2-74 onwards. His passing of the speed test of 100 W.P.M. was confirmed by the Sec'd Division where he had his lien and it was stated that he passed the said examination on 29-1-73. It is also stated by the Sec'd Division that the applicant had been regularly promoted as Sr.Stenographer w.e.f., 9-11-79.

5. The applicant had filed this OA for a direction to the respondents to give the applicant seniority as Sr.Stenographer from the date he was promoted as Sr.Stenographer on adhoc basis as was done in the case of his juniors or in the alternative to fix his seniority as Sr.Stenographer taking into consideration his seniority as a regular junior steno and give him all the consequential benefit.

6. From the above relief, it appears that the applicant wants his seniority as Sr.Stenographer from 1-2-74 when he was promoted on adhoc basis as Sr.Stenographer in the RE organisation where he was deputed keeping his lien in Sec'd Division. It has been clearly stated in the reply that the deputation to the RE organisation does not confer on them any right to show them as having been promoted to the higher grade <sup>when</sup> ~~then~~ they returned back to the parent cadre. The promotion in the RE organisation is a fortuitous promotion and such fortuitous promotion cannot give him any right for consideration <sup>of his lien</sup> entry in the higher grade from the date of adhoc promotion in RE organisation. It is also stated in the reply that the applicant was posted to Guntupally workshop against <sup>an</sup> ~~as~~ vacant charged post by the CPO. Hence that also does not give him any right.

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for consideration for fixing his seniority accordingly. The respondents submit that he had entered the post of Sr. Stenographer w.e.f., 9-11-79 in his parent cadre and hence his date of entry as Sr. Stenographer in Sec'bad Division on 9-11-79 will decide his seniority in the combined list of Stenographers and Typists of Vijayawada Division and Guntupally Workshop.

7. No rejoinder has been filed in this OA.

8. The applicant was sent to RE organisation and was promoted there as there were no other suitable candidates available for promotion as Sr. Stenographer. He cannot treat that promotion as a non fortuitous promotion. It is a fortuitous promotion. He kept his lien in Sec'bad Division and hence his date of regular promotion as Sr. Stenographer in Sec'bad Division will decide his seniority in the grade of Sr. Stenographer. It is also clearly stated that the applicant was posted to Guntupally Workshop as Sr. Stenographer on his own request and that too against an work charged post. If it is at the request of the applicant to come to Guntupally Workshop then his seniority will be different. But there is no such averment in this connection. But it is clearly stated that he was posted against work charged post in Guntupally Workshop on the basis of the instructions of the CPO, SC Railway. That would mean that the applicant had maintain<sup>ed</sup> his lien continuously in Sec'bad Division of the Railway right from the date he was sent to RE organisation till the merger of Stenos and Typists of the Guntupally and Vijayawada Division <sup>took place</sup> when he was <sup>in</sup> Guntupally Workshop. In Sec'bad Division of SC Railway the applicant was promoted as Senior Stenographer only on 9-11-79. Hence, he cannot ask for any seniority earlier to that date. The respondents had prepared the integrated seniority list

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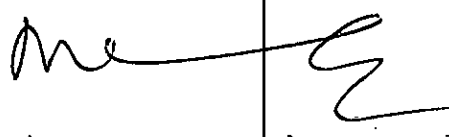
taking entry of the applicant as Sr. Stenographer as 9-11-79 and had issued the integrated seniority list. We do not find any error or irregularity in fixing seniority as above. The respondents had correctly fixed his seniority following the extant rules in this connection.

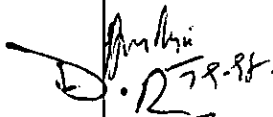
In view of the foregoing we see no reason to grant any relief to the applicant in this OA. Hence, the OA is dismissed. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

1.9.98

Dated : The 01st Sept. 1998.  
(Dictated in the Open Court)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
D. R. 78-88.

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DA.846/96

Copy to:-

1. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divl. Railway Manager, South Central Railway, Vijayawada.
3. The Sr. Divl. Personnel Officer, South Central Railway, Vijayawada.
4. One copy to Mr. P. Krishna Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. D.F. Paul, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

SIR

14/9/98

(A)

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 PARAMESHWAR :  
M(J)

DATED: 1/9/98

~~ORDER~~/JUDGMENT

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

in

C.A.NO.

846/98

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

