

(44)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO. 1014 of 1996 and M.A.No. 722 of 1996.

Between

Dated: 14.8.1996.

1. K. Krishna Murthy.
2. K. Joseph.
3. G. Joseph.
4. D. Janardhana Rao.
5. P. Satyanarayana.
6. E. Yesudas.
7. K. Issock.
8. D. Venkateswara Rao.
9. G. Ramamohana Rao.
10. G. J. Prabhakara Rao.

11. D. Nageswara Rao.
12. D. Kotaiah.
13. K. Subba Rao.
14. B. Krishna.
15. Sk. Khaja Mohiddin.
16. K. Tiruppalu.
17. P. Andri Babu.
18. M. Khaddar Baig.
19. D. Prakasa Rao.
20. Md. Imam Mohiddin.

... Applicants
And

1. Divisional Railway Manager(Personnel), South Central Railway, Vijayawada.
2. Sr. Divisional Mechanical Engineer, South Central Railway, Vijayawada.
3. General Manager, South Central Railway, Rail Nilayam, Secunderabad.

... Respondents

Counsel for the Applicants : Sri. G.V. Subba Rao
Counsel for the Respondents : Sri. K. Siva Reddy, SC for Railways

CORAM:

THE HON'BLE JUSTICE SHRI. M.G. CHAUDHARI : VICE CHAIRMAN
THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (A)

...2/-

(Oral Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

-- -- --

Heard Sri G.V.Subba Rao, for the applicant and Sri
K.Siva Reddy for the Respondents.

2. Since we on merits we are inclined to reject the O.A.,
leave is refused to applicants 2 to 20 to join in this application
with applicant No.1 with a view to save them from payment of
separate court fee. The names of the applicants 2 to 20 shall be
deemed to have been deleted from the O.A. Original Application is
preceeded only as regards to applicant No.1.

3. The impugned memorandum dt.2-4-96 ^{reverting the applicants after} re-assigning the seniority
to C & W Khalasis recites that it has been issued in pursuance of
the judgement of this Tribunal in OA Nos.973/93 and 977/93. The
applicant submitted a representation to the Sr.D.P.O. contending
that the seniority position assigned to him in the above mentioned
list was in-correct on the ground that the Sl.Nos. ^{there in} mentioned in the
representation had come from Engineering Branch on bottom seniority
and yet their length of service in the Engineering Branch together
with their temporary status service in C & W has been reckoned,
which is contrary to the rules and wrong. In reply to the said
representation dt.28-6-96 the Sr.D.P.O. informed the applicant
that although the applicant's contention was not wrongly based
but in view of the directions of the Tribunal in the above
mentioned O.A.s to reckon the seniority of the staff from the
date of conferment of Temporary Status there was ~~not~~ ^{no} alternative
for the administration ^{except} to revise their seniority from the date
of their conferment of temporary status. The impugned order
....3.

of 2-4-42 therefore purports to refer certain employees including

the applicant and other employees who intended to join in the

G.A. and C.V. Subba Rao, learned counsel for the applicant

submitted that apart from the applicant No. 1, the other employees

had purports to join in the G.A. had also filed similar

representations.

4. It is abundantly clear from the title of the order

of 2-4-42 and from the reply from the G.O. of 28-6-42 that

the respondents have acted in compliance with the directions

of the earlier decision of the Tribunal as they are referred

to the said judgment. Sri C.V. Subba Rao submits that the respondents

have not correctly interpreted the judgment. Prior to the

appears to us that the respondents seem to have tried to give effect

to the directions contained in the earlier judgment in a manner

in which is tantamount to a distortion of the law and

in the way they have done. The judgment was rendered after

on 1-11-42. The applicants have not challenged the said

judgment by any proceedings as required by law and it is

not easy for us therefore to entertain their grievance that the

decision should not have been applied to them. It is over

reply of the respondents of 28-6-42 it does appear that the respondents

have also been misled to think in terms of the interpretation

of rules as had sought to be placed by Sri C.V. Subba Rao.

That however does not seem to go into judgment. The judgment

and other rules, applied to it as to which employees

concerning the large grievance cannot be corrected by the respondents

if it is interpreted correctly, it involves a substantial change in the

law and the respondents are not entitled to be misled by the respondents

(116)

dt.2-4-96 therefore purports to refer ^{to mention of} certain employees including the applicant ^{no.1} and other employees ^{who} intended to join in the O.A. Shri G.V.Subba Rao, learned counsel for the applicant submits that apart from the applicant No.1, the other employees who had purports to join in the O.A. had also filed similar representations.

4. It is abundantly clear from the title of the order dt.2-4-96 and from the reply from the Sr.D.P.O. dt.28-6-96 that the Respondents have acted in compliance with the directions of the earlier decision of the Tribunal as they interpreted the said judgement. Sri G.V.Subba Rao submits that the respondents have not correctly interpreted the judgement. Prima facie it appears to us that the respondents seem to have tried to give effect to the directions contained in the earlier judgement in a ~~matter~~ manner ~~in which is~~ permissible on interpretation of that judgement in the way they have done. The judgement was rendered as far back as on 1-11-93. The applicants have not challenged the said judgement by any proceedings as aggrieved parties and it is not easy for us therefore to entertain their grievance that the decision should not have been ^{followed so as to affect them} ~~applied to them~~. More over from the reply of the respondents dt.28-6-96 it does appear that the Respondents also were inclined to think in terms of the interpretation of rules as had sought to be placed by Sri G.V.Subba Rao. That however does not permit ^{us} ^{behind the} to go into judgement. The judgement ^{whether the} ~~whether the~~ ^{applies to all} ~~whether merely applied or not~~ or as to which employees as there is large number of employees upon accruing the large grievance cannot be covered by the judgement if it interpreted correctly involves factual enquiry. We do not think that it is permissible for us to ^{embark upon} ~~embark upon~~ such enquiry.

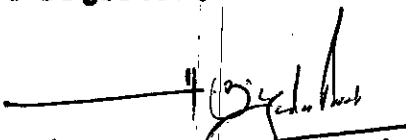
are
We therefore inclined to pass the following order :-

(i) It will be open to the applicant and such of the other employees who had intend^{ed} to join in this application to file an individual representation if so advised to the appropriate authority of the respondents to contend that the directions in the Judgement in the earlier O.A. had not been correctly interpreted and on a correct interpretation he would be entitled to relief as he would like to seek. In what manner the judgement should have been interpreted and whether it has been correctly interpreted or not will be open to be examined by the said authority. We do not express any opinion on the nature of interpretation.

(ii) Subject to the above, moreover, as applicant has not filed a ~~pxa~~ representation against the order of reversion, it will be open to ~~them~~ and other employees who had purported to join as applicants 2 to 20 to file such a representation as and when an order of reversion may be passed.

(iii) It is left open to the applicants to raise the question of interpretation either independently before order of reversion is passed or in the ~~pxa~~ representation to be filed if any in the event of order of reversion being passed.

5. Subject to the above liberty, O.A. is rejected. M.A. is also rejected.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 14th November, 1996.
Dictated in Open Court.

~~MA. 722/96~~ CA. 1014/96
OASR. 2664/96.

Copy to:-

1. Divisional Railway Manager(Personnel), South Central Railway, Vijayawada.
2. Sr. Divisional Mechanical Engineer, South Central Railway, Vijayawada.
3. General Manager, South Central Railway, Railnilayam, Sec'bad.
4. One copy to Sri. G.V.Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. K.Siva Reddy, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

aw

MA-1014/96
MA-722/96

I. COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 14/8-1996

ORDER / JUDGMENT

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

in

O.A.No. 1014/96 & M.A. 72

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative
ट्रिब्यूनल / DESPA
26 AUG 1996
HYDERABAD