

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.1750/97.

Dt.of Decision : 22-04-99.

S.Daivadheenam

.. Applicant.

Vs

1. The Divl.Rly.Manager (BG)
SC Rly, Sanchalan Bhavan,
Sec'bad.
2. The Sr.Divl.Personnel Officer,
Broad Guage, SC Rly,
Sanchalan Bhavan, Sec'bad.
3. The Sr.Divl.Mech.Engineer(Power),
BG, SC Rly, Sanchalan Bhavan,
Sec'bad.
4. The General Manager, (BG),
SC Rly, Rail Nilayam,
Sec'bad.

.. Respondents.

Counsel for the applicant : Mr.J.Venu Gopala Rao

Counsel for the respondents : Mr.C.V.Malla Reddy, SC for Rlys.

CORAM:-

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

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

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ORDER

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

None for the applicant. Heard Mr.C.V.Malla Reddy, learned counsel for the respondents.

2. The applicant in this OA was initially engaged as Substitute Khalasi on 1-10-1970. Later he was absorbed as temporary Yard Khalasi on 19-3-1971 in Mechanical Department. He was promoted as Tool Checker and then as Material Clerk in the grade of Rs.260-400/- on adhoc basis w.e.f., 24-11-78. However he was reverted on 4-11-80 to the former post of Tool Checker which he challenged before this Tribunal. It is stated that the OA was dismissed. It is also stated the applicant was further promoted as Tool Checker in the scale of Rs.225-308/- w.e.f., 1-9-83 as a local officiating arrangement. He was made Material Clerk in the scale of pay of Rs.950-1500/- as on 31-1-95. The applicant submits that his juniors were shown as promoted w.e.f., 15-2-94 under upgradation and hence his promotion also should be given from the date of his junior.

3. A seniority list was issued on 31-1-95. The name of was the applicant not finding a place in that seniority list of Mechanical Loco Department, Sec'bad Division.

4. This OA is filed praying for a declaration that the deletion of his name ~~in~~ the seniority list prepared as on 31-1-95 by the Mechanical Loco Department, Sec'bad Division is illegal, arbitrary and consequently direct the respondents to fix his seniority by assigning Sl.No.2 in between A.Sambaiah and K.S.Ross with all consequential benefits.

5. A reply has been filed in this OA. The reply does not talk about the request of the employee for fixing his seniority in between A.Sambaiah and K.S.Ross. A.Sambaiah is shown





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above the applicant in the seniority list issued on 1-2-98.

In that list the applicant is shown at Sl.No.4 below of A.Sambaiah. The name of K.S.Ross is not shown. The respondents admit that his name was omitted in the seniority list as on 31-1-95 inadvertently and his name was included in the list as on 1-2-98 as Sl.No.4. The respondents appear to be careless in preparing the seniority list deleting the name of the employee who is in service. We consider it a very serious lapse on the part of the respondents.

6. The respondents ~~has~~ not made out a reply to the contentions raised in this OA. Hence the reply in our opinion is not sufficient to pass any order in this OA. However, we are of the opinion that the applicant having been promoted as Material Clerk by order dated 19-12-83 it is not understood ^{how} why he was not continued as Material Clerk and why he was reverted. There is no reason as to why he was reverted and he was onceagain replaced as Material Clerk in the grade of Rs.950-1500/- as on 31-1-95. Lack of those informations lead us to believe that the reply given is not only insufficient but also lacks clarity.

7. In view of the above the following direction is given:-

R-1 should immediately call for the papers in this connection and decide the seniority of the applicant in accordance with the rules. While doing so the necessity or otherwise for giving him seniority as Material Clerk by order dated 19-12-83 should be clearly indicated. The respondents while doing so should also hear other affected employees shown in the seniority list as on 1-2-98 and decide the seniority dispute. Time for compliance is 2 months from the date of receipt of a copy of this judgement.

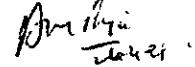
8. The OA is ordered accordingly. NO costs.


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

22-4-99
spr


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 22nd April, 1999.
(Dictated in the Open Court)



COPY TO:-

1. HONJ
2. HHRP M(A)
3. HBSOP M(B)
4. B.RI(A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH & HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :
VICE-CHAIRMAN

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

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (B)

DATED: 22/4/99

ORDER / JUDGEMENT

MR. B. A. C. P. NO.

IN

C.A. No. 1750/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED

NO ORDER AS TO COST

केंद्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
DISMISSED / DESPATCH

6 MAY 1999
HYDERABAD BENCH

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