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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

ATHYDERABAD

OA. 529/97

dt. 10-8-99

Between

S. Satyanarayana

: Applicant

and

1. Chief Personnel Officer
SC Rly, Railnilayam
Secunderabad

2. Divnl. Rly. Manager
Hyderabad Divn.
SC Rly. Secunderabad

3. Sri E. Devasahayam
Dy. Chief Controller
Hyderabad Divn. SC Rly
Secunderabad

4. Sri KVR Chary
Dy. Chief Controller in
Central Control
Hyderabad Divn., SC Rly.
Secunderabad

: Respondents

Counsel for the applicant

: V. Venkateswara Rao
Advocate

Counsel for the respondents

: K. Siva Reddy
SC for Railways

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

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Order

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

Heard Mr. V. Venkateswara Rao for the applicant and Mr. K. Siva Reddy for the official respondents. Notice served on R-3 and R-4 called absent.

1. The applicant while working as Assistant Yard Master was selected for the post of Section Controller by order No.CON/YP/605/Selec/SCOR dated 3-3-1988 (Annex.II).
2. The applicant submits that his seniority in the panel of Section Controller ~~should~~ start from the date ^{the} of panel is issued i.e. 12-8-1987. The applicant was sent for training on 4-4-1988 as can be seen from Annex.A.VI dated 4-4-1988; he completed training for the post of Section Controller on 1-5-1988 and joined. His seniority in the cadre of Section Controller was decided from 1-5-1988 when he completed training and joined as Section Controller.
3. In the meantime the Traffic Apprentices who had ~~3~~ years training before being posted were sent for training for the post of Section Controllers on 31-12-1987 and they completed their training on 25-3-1988 and posted as Section Controllers. ~~from that date~~ As they joined as Section Controllers earlier to the date of joining of the applicant as Section Controller of ~~that~~ training, ~~they~~ They were given seniority above the applicant in the cadre of Section Controller.
4. Respondents No.3 and 4 are Traffic Apprentices and they joined as Section Controllers earlier to the applicant herein as stated above. A provisional seniority list was issued bearing No.Y/P/optg./168/Seniority dated 20-11-1990. As per that seniority list the applicant is shown as junior to Respondents 3 and 4.

5. In the meantime the applicant had been promoted to higher grade of Deputy Chief Controller. A provisional seniority list of Deputy Chief Controllers vide No.YP/512/P.11/Guards/Seniority dated 10-9-96 (Annex-A.VIII) was issued, wherein the name of the applicant is shown below that of Respondents No.3 and 4. The applicant submitted a representation to show him above that of private respondents No.3 and 4 in the seniority list of Dy. Chief Controllers. That was rejected by the impugned order dated 25-3-1997 (page 23 to the OA).

6. This OA is filed to set aside the impugned letter dated 25-3-1997 vide No.YP/612/P.11/Guard/ETR&ET.III/Seniority issued by Respondent No.2 by holding the same as illegal, arbitrary, and for a consequential benefits by granting him seniority above that of Respondents 3 & 4.

7. A reply has been filed in this OA. The main contention of the respondents is that the date of entry of the employees Section Controller decided the seniority of the employees in the cadre of Section Controllers. As the applicant joined as Section controller on 1-5-1988 later than the private respondents No.3 and 4, he was given correct seniority below that of Respondents 3 and 4. The respondents submit that the applicant had not made any representation when provisional seniority list of Section Controllers dated 20-11-1990 was circulated. Hence, the applicant cannot now pray for seniority which is already decided in the cadre of Section Controller way back in 1990.

8. The applicant had filed MA.91/99 for taking into record some of the documents relied upon by him to buttress his contentions. As can be seen from the enclosures to that MA the applicant had submitted letter dated 13-7-1990.

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In that letter the applicant had stated that he was sent late by the Department for training. Had he been sent earlier he would have joined as Section Controller earlier to the private respondents 3 and 4. In that case he would have been ranked senior to the respondents No.3 and 4. Hence, the lapse of the respondents should not deprive him of the seniority to which he is entitled.

9. The respondents had stated that no representation was received from the applicant against provisional seniority list of Section Controllers published on 20-11-1990. It is further stated that this office is also not in receipt of representation dated 18-10-1989 and 6-08-1990.

Hence, justice ^{will be} ~~is~~ done if an opportunity ^{is} ~~is~~ given to the respondents to dispose of the representation of 13-7-1990 after examining whether the holding of the training for the applicant was belated or it was done on the basis of the situation that was prevailing at that time. After examining the same a detailed reply should be given to the applicant.

10. If the respondents come to the conclusion that he was sent for training belatedly than the possible date when he ^{had been} ~~could be~~ sent for training and on that basis whether he can be appointed Section Controller earlier to the Respondents 3 and 4 should also be communicated. If such a conclusion is drawn then the applicant is entitled for the seniority as prayed for. ^{But} In view of that before taking a decision an opportunity should be given to Respondents 3 and 4 to explain their stand.

11. Time for compliance is four months from the date of receipt of copy of this order.

12. With the above direction the OA is disposed of. No costs.

(B. P. Jai Parameshwar)
Member (Judl)

(R. Rangarajan)
Member (Admn)

sk 10.8.99 Dated: August 10, 99
Dictated in open court

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1st AND II nd COURT

COPY TO:-

1. HDHNJ
2. HRRN M (A)
3. MBSOP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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.R. RANGARAJAN:
MEMBER (ADMIN)

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

26/8/99

ORDER DATE, 10-8-99

MA/RA/CP/NO
IN
DA.NO. 529/97.

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

D.A. CLOSED

(6 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकार पर्याप्त
Central Administrative Tribunal
प्रेषण / DESPATCH

24 AUG 1999

हैदराबाद न्यायालय
HYDERABAD BENCH