

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA No. 2242/97.

C.A. 1009/97.

Dt. of Decision : 01-08-97.

1. K. Bhaskara Rao
2. K. Satyanarayana
3. G. Ram Babu
4. R. Sitapati Rao
5. A. Akshman Murthy
6. S. Francis
7. V. Visweswara Rao
8. S. V. B. R. G. Rao

.. Applicants.

Vs

1. The General Manager, SE Rly,
Garden Reach, Calcutta-
2. The Chief Personnel Officer, SE Rly,
Garden Reach, Calcutta.
3. The Divl. Rly. Manager (P), SE Rly,
Bondaparthi, Visakhapatnam-1.
4. The Divl. Personnel Officer, Bondaparthi
SE Rly, Visakhapatnam-1.
5. P. Surya Rao
6. M. Appala Naidu
7. O. Ramana
8. K. Rama Rao

.. Respondents.

Counsel for the applicants : Mr. B. Ranganatha Rao

Counsel for the respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

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

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

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R

ORDER

CRAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ALMN.)

Heard Mr. S. Ranganatha Rao, learned counsel for the applicants and Mr. N. R. Devaraj, learned counsel for the respondents.

2. There are 8 applicants in this OA. They are presently working as Sr. Electrical Assistant Drivers under the control of R-4. It is stated that the seniority list of the applicants were issued in terms of O.M.No.WPV/MR/Seniority/DDAS/Ist FM/Sr. Asst-I dated 16-8-95 (Annexure-III). It is sought to be revised by the letter No.WPU/MR/Seniority/DDA/Tr. Asst/IRM/Rep. dt. 17-7-97 (Annexure-I). The learned counsel for the applicants submit that the names of the applicants are not figuring in the list enclosed to the letter dt. 17-7-97. ^{they} He also submits that many of their juniors are included in the list enclosed to the letter dt. 17-7-97. ^{they} He also apprehends that the promotion to the post of ~~xxxxxx~~ ⁱⁿ Engine Turners/Loco Shunters their juniors will be considered and their cases may not be considered. ^{they have implied} He has included ^(they) private respondents R-5 to R-8 and ^{they} he states that ~~who are~~ ^{they} juniors to the applicants are included in the list issued along with letter dated 17-7-97.

3. Under the above circumstances quoted the applicants pray for setting aside the impugned proceedings No.WPU/MR/Seniority/DDA/Tr. Asst/IRM/Rep. dt. 17-7-97 of R-4 and for a consequential direction to the respondent authorities to adhere to the seniority list dated 16-8-95 (Annexure-III).

4. We find that the Annexure-I letter dt. 17-7-97 is neither a provisional seniority list nor a final seniority list. It is an internal correspondence addressed by R-4 to the Secretary ^{and} the Unions, calling for their views in regard to the ^{proposed} seniority list enclosed to that letter for finalisation. This would mean that the revised seniority list enclosed to the letter dt. 17-7-97 will be finalised only after issuing a provisional seniority list and calling

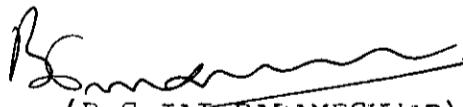
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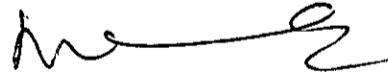
for objections from the employees in that cadre. After considering their objections/suggestions then only even that provisional seniority list will be finalised. Hence ~~there is~~ no useful purpose ^{only} to be served if any direction is given as prayed for in this OA. However we cautioned the respondent authorities especially R-2 to follow the extant rules in regard to issue of the final seniority list if at all anything is going to be issued after ascertaining the views from the recognised unions as per letter dt.17-7-97. We have no doubt in our mind that if any existing seniority list is going to be revised then the objections to the revised seniority list will be obtained from the concerned by issuing a provisional seniority list and then only that provisional seniority list will be finalised.

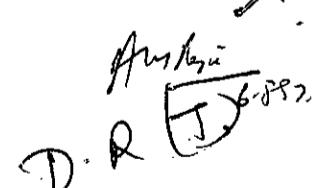
Law
We are also no doubt in mind that ~~in~~ any promotion that is going to be made to the post of ~~Engine~~ ^{Engine Turners/Loco Shunters} ~~Turners~~ will be done in accordance with law adhering to the approved seniority list, ~~in view~~.

Law
5. In view of the above observations we are no doubt in mind that the respondent authorities will take judicious action as necessary in accordance with law. In that view we feel that no direction is necessary in this OA at this juncture. Hence, the OA is disposed of without any direction. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (AUDL.)
1.8.97

Dated: The 01st August 1997.
(Dictated in the Open Court)


(R. RANGARAJAN)
MEMBER (ADMN.)


Anil
D.R. T 6.8.97

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Copy to :-

1. The General Manager, South Eastern Rail way Garden Reach Calcutta
2. The Chief Personnel Officer, South Eastern Railway, Garden Reach, Calcutta.
3. The Divisional Railway Manager (P) South ^{Eastern} Railway, Dondaparthi, Visakhapatnam-1.
4. The Divisional Personnel Officer, Dondaparthi South Eastern Rly. Visakhapatnam-1.
5. One Copy to Mr. Ranganatha Rao Advocate C.A.T. Hyderabad.
6. One Copy to Mr. N.R. Devaraj, Sr. CGSC. C.A.T. Hyderabad.
7. One Copy to The D.R. (A).
8. One Duplicate Copy.

Upr.

ad/for/17

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HYD 27/3/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED

1-8-97

ORDER/JUDGEMENT

M.A. / P.A. / C.A. NO.

in

D.A. NO.

1009/97

~~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

I Court.

केन्द्रीय प्रशासनिक अधिकारों
Central Administrative Tribunal

DESPATCH

6 NOV 1997 N.Y.

हैदराबाद बायपीठ
HYDERABAD BENCH