

54

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD..

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O.A.No.1105/97.

Date of decision: 24th December, 1997.

Between:

N. Devi Das. Applicant.

And

1. Union of India, represented by General Manager, Rail Nilayam, Secunderabad - 500 071.
2. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad - 500 071. .. Respondents.

Counsel for the applicant: Sri G. Ramachandra Rao.

Counsel for the respondents: Sri V. Bhimanna.

CORAM:

HON'BLE SRI R. RANGARAJAN, MEMBER (J)

HON'BLE SRI B. S. JAI PARAMESHWAR, MEMBER (J).

JUDGMENT.

(per Hon'ble Sri B.S.Jai Parameshwar, Member (J))

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Heard Sri G.Ramachandra Rao, the learned counsel for the applicant and Sri V.Bhimanna, the learned counsel for the respondents.

The applicant while working as Cook in the catering Department of South Central Railway at Kazipet ~~he~~ had passed the requisite tests for promotion to the post of Assistant Catering Manager and also empanelled for the ~~for the~~ same. However, he was given all the benefits of the said post with effect from ~~8-10-1994~~ 12.9.1985 and was promoted as Catering Manager on 8-10-1995 giving effect from 6-3-1990. He submits that this Tribunal in O.A.No.1102/91 decided on 4-10-1994 had given certain directions and on that basis the Respondent No.2 prepared a provisional combined seniority list of Assistant Catering Managers in all the Divisions working in the Department of South Central Railway as per the proceedings No. P.(c)612/Catering Managers/ Volume II dated 18-1-1995. In the said combined seniority list his name was shown at Sl.No.106. It is stated that the said seniority list has become final as no representations were raised objections ~~have been~~ received to the said seniority list. The applicant submits that Sri ~~Murali~~ T.Muralikrishna and Mr. Mir Hasanullah who are working as Catering Inspectors Gr.II

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are shown at Sl.No.109 and 112 in the seniority list of Assistant Catering Managers referred to above, that both of them are juniors to the applicant in the cadre of Assistant Catering Manager, that he had already been promoted as Assistant Catering Inspector, Grade II, that he is entitled to the promotion to the said post from the date when his juniors were promoted as Catering Managers and Assistant Catering Inspectors as directed by this Tribunal in O.A.1102/91, that the directions given in O.A.1102/91 have not been properly implemented, that the juniors who were promoted as Catering Managers were promoted to the next higher post, that the directions in the said O.A., ~~are~~ ^{have} equally applicable to his case, that he had submitted a representation on 4-3-1995 requesting to consider his case and to issue necessary orders promoting him as Catering Inspector, Grade II, that his representation has not yet been considered, he filed O.A.267/96 before this Tribunal, that the said O.A., was decided on 16-4-1996 directing the respondents to consider his representation dated 4-3-1995, within a period of three months but the respondents did not take any action and consequently, they issued the impugned Order No.P/C/648/OA.No.267/96/N.D. dated 30-4-1997 which is untenable.

Hence, he has filed this O.A., to call for the records relating to the impugned Proceedings dated 30-4-1997

: 3 :

and to set aside the same with consequential directions to the respondents to promote him to the post of Catering Manager and Assistant Catering Inspector Grade-II from the dates when his juniors were promoted to the said posts i.e., 15.7.1988 and 10-1-1994 respectively with all consequential benefits.

The respondents have filed their counter stating that the applicant in his earlier O.A.No.267/96 had contended that in the common single seniority list issued on 18-1-1995 for Assistant Catering Managers, his position is at Sl.No.106 and the position of T.Murali Krishna and Mir Hassanullah respectively is at Sl.No., 109 and 112 were promoted to the higher posts such as Catering Manager and Catering Inspector. The respondents submit that the representation of the applicant has been considered and suitably replied stating that Sri T.Murali Krishna and Mir Hassanullah were borne on the RRB/SC panel of 1984 against direct recruitment, whereas the case of the applicant was a normal promotion and that the applicant was not senior to S/Shri T.Murali Krishna and Mir Hassanullah as claimed by him and ~~the~~ the applicants in O.A.1102/91 were senior to the applicant, that none of the juniors ^{to} of the applicant is officiating in higher post than the post held by the applicant, that the applicant was initially appointed to Railway Group "D" service in Commercial Catering Department with effect

2

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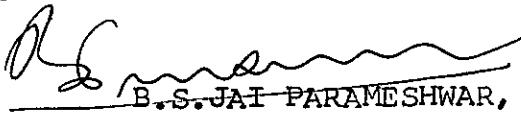
from 14-12-1976, that Murali Krishna and Mir Hassanullah were subsequently appointed as Catering Managers with effect from 15-7-1988 and 30-1-1990 respectively against the direct recruitment vacancies of Catering Inspectors in the scale of Rs.1400--2300 without disturbing the promotional opportunities of those coming up to the posts of Catering Managers, that the two officials viz., T.Murali Krishna and Mir Hassanullah although juniors to the applicant in the category of Assistant Catering Managers were happened to progress to higher post, i.e., Catering Manager much earlier than the applicant on out of turn basis and rank higher position than the applicant in the seniority of Catering Managers and that therefore, there are no merits in the O.A.

The respondents have not specifically stated/denied that the applicant was issued the impugned Memorandum No.P/C/648/0A No.267/96/N.D. dated 30-4-1997. A reading of that Memorandum shows that the seniority of S/Shri Murali Krishna and Mir Hassanullah was given on the basis of the dispensation granted by ~~disposition~~ the Railway Board. The Judgment in O.A.1102/91 has not considered the dispensation given by the Railway Board in the case of S/Shri Murali Krishna and Mir Hassanullah as the same was not brought to the notice of the Bench. Hence any seniority in the cadre of Catering Inspectors to treat S/Shri Murali Krishna and Mir Hassanullah diversing

12

from the Judgment of this Tribunal in O.A.1102/91 is not tenable. Hence the respondents should strictly prepare a combined seniority list of Catering Managers in accordance with the directions given in O.A.1102/91. Hence the impugned letter dated 30-4-1997 is set aside. The respondents should immediately prepare a provisional seniority list of Catering Managers strictly in accordance with the directions given in O.A.1102/91 and circulate the same to the concerned calling for objections, if any, ~~from~~ thereof. On the receipt of such objections and on considering those objections, the seniority of the Catering Managers should be finalised without considering any dispensation given by the Railway Board. On the basis of the revised seniority list of Catering Managers, if the applicant is entitled ~~for~~ ^{to} any relief such as preponing of his date of seniority in the cadre of Catering Managers, the same should also ~~be done~~ be given to him with all consequential benefits arising therefrom within two months from the date of receipt of a copy of this ~~to~~ judgment.

With the above observations, the O.A., is disposed of. No costs.


B.S.JAI PARAMESHWAR,

24/12/97 MEMBER (J)


R.RANGARAJAN,
MEMBER (A)

sss. Date: 24-12-1997.
Dictated in open Court.


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