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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1071 of 1997

Between

M. Magendran s/o V Madhurai,
aged 39 years, Truck Driver Grade I,
Chief Traction Foreman/TRD/OHE/
Maintenance Depot, South Central
Railway, Kazipet.

... APPLICANT

and

1. Divisional Railway Manager(P)
South Central Railway,
Secunderabad B.G.Division,
Secunderabad.
2. Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
3. J.G.Sudhakar, Lineman,
C/o CTFO/OHE/TRD
Maintenance Depot, South
Central Railway,
DORNAKAL
4. S.S. Murthy, Lineman,
C/o CTFO/OHE/TRD,
JAMMIKUNTA
5. Ch. Subba Rao, Lineman
C/o CTFO/OHE/TRD, Maintenance Depot,
Kazipet.

... RESPONDENTS

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE
TRIBUNALS ACT, 1985

I. PARTICULARS OF THE APPLICANT:

The particulars of the applicant are as mentioned in the above cause title. The address of the applicant for purpose of service of notice etc., is that of his Counsel Sri G.V.Subba Rao, Advocate, Plot No. 96, Jawahar Rail Colony, Sokh Road, Hyderabad.

II. PARTICULARS OF THE RESPONDENTS:

The particulars of the respondents are as mentioned in the above cause title.

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III. PARTICULARS OF ORDERS AGAINST WHICH THIS O.A IS MADE:

1. Divisional Railway Manager(P) Secunderabad letter No. CP/676/OHE/ANG/TRD dated 27-6-1997 fixing the applicant's combined seniority of Linemen SK.III.
2. Divisional Railway Manager(P) Secunderabad letter No. CP/676/MCM/TRD/I dated 14-8-97 fixing the ~~the~~ date of examination on 10-9-97 for selection to the post of Master Craftsman in scale Rs. 1400-2300 in the TRD Organisation.
3. Divisional Railway Manager(P) Secunderabad letter No. CP/605/Selection/ELC 'B' /TRD dated 10-7-97 and 22-8-97 directing the candidates to appear for the written test to be held on 13-9-97.
4. Divisional Railway Manager(P) Secunderabad letter No. CP/605/Selection/ELC 'B' /TRD dated 15/24-10-1997.

IV. JURISDICTION :-

The applicant submits that the subject matter of the O.A. is well within the jurisdiction of this Hon'ble Tribunal under Section 14(1)(i) of the Central Administrative Tribunals Act, 1985 in as much as the applicant is working as Truck Driver at Kazipet of the South Central Railway.

V. LIMITATION:

The applicant further declares that the O.A. is well within the limitation under Section 21(1)(a) of the Central Administrative Tribunals Act, 1985 in as much as his representation dated 1-8-97 has been ~~is~~ rejected by the respondents by his letter dated 15/24-10-1997.

VI. FACTS OF THE CASE:

The applicant humbly submits that he was originally appointed as Casual Labour Driver on 27-5-1979 in the Railway Electrification Organisation at Bitragunta and later given the regular scale of pay of Rs. 950-1500 as H.G. III Driver, after passing the suitability trade test. While he was working as such under the Deputy

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Chief Electrical Engineer, Railway Electrification, Kazipet, he was promoted ~~an~~ adhoc basis to the scale of pay of Rs. 1200-1800 with effect from 1/8/1988. He was directed to appear for suitability test to regularise his service in HS Grade vide Divisional Railway Manager's letter No. CP/676¹EL/TR/BC/2 dated 29-3-1988.

The suitability test was conducted on 14-4-88 and he was empanelled on 4-5-1988 for absorption against the existing vacancies. Pursuant to the said empanelment on 4-5-88 which consists of 3 candidates namely 1. Ch. Sambasiva Rao, 2. M. Sambasiva Rao 3. M. Magendran (Applicant). Posting orders were issued by the DRM/SC in respect of the first two candidates and the applicant was given posting order on 2-1-90 much later due to the fault of the administration.

2. A seniority list of Drivers in scale Rs. 950-1500 was published on 10-2-92 in which the applicant's name is ~~not~~ wrongly shown as at Serial No. 168 with a remark as Officiating Jeep Driver against his name. The applicant made a representation on 7-4-92 and there was no response to the same. The SCRE Sangh included the case of the applicant as one of the subjects in the PNM Meeting held by the DRM/SC. As a result of the decision taken by the DRM/SC to revise the seniority of the applicant a letter No. CP/676/OHE/AMC/TRD dated 31-1-95 was issued to the Drivers in scale Rs. 950-1500 over whom the applicant's seniority has to be fixed. Thereupon representations were called for inclusion and incorporation of his name in the seniority list published on 10-3-92 in the light of the applicant having passed the trade test to the post of Truck Driver grade III on 4-5-1988 and it was decided to assign his seniority below serial No. 10 R. Sree Ramulu LM III and above Serial No. 11 Sri Syed Nabi Saheb L.M. III.

Conted. 4

3. The Divisional Electrical Engineer/TRD/Kazipet directed the applicant to be in readiness to appear for the trade test of Driver SK II in scale Rs. 1200-1800 and SK.I in Rs. 1320-2040 for assigning his seniority in scale II and I to be conducted by the Assistant Engineer TRD/DKJ. The Assistant Engineer/TRD/DKJ has conducted the trade test on 21-11-95. As a result of the trade test conducted the DRM/P/SC issued letter No. CP/676/OHE/ANC/TRD/DKJ dated 18-1-96 promoting the applicant to the SK,II in scale Rs. 1200-1800 on proforma basis from 30-7-91 and to SK I in scale Rs. 1320-2640 from 1-3-93.

4. In the said letter nothing has been mentioned regarding the assignment of seniority to the applicant in the two grades of HS II and HS I.

5. The applicant submitted a representation on 27-4-96 to the General Manager quoting references to the letter dated 30-1-95 issued by the DRM/P/S^C on the subject of fixing his seniority in terms of the said DRM/P/SC's letter.

6. The applicant submitted another representation on 20-12-96 to the DRM/SC wherein he reiterated his request for fixation of his correct seniority.

7. The DRM/SC vide his letter No. CP/676/OHE/TRD dated 27-6-97 advised the applicant that his seniority as Truck Driver was assigned from 22-6-88 and consequent on the revision of the seniority his promotion with effect from 30-7-91 to Skilled Grade II in scale Rs. 1200-1800 and to skilled grade I in scale Rs. 1320-2040 was given from 1-3-93 and his pay was refixed. This letter also does not disclose that ~~his~~ his seniority as claimed has not been restored.

8. In this connection it is necessary to point out the details regarding the respondents 3,4, and 5 for proper fixation of his seniority.

	Date of Appointment
1. Sri J.G. Sudhakar (Respondent 3) ...	23-8-80
2. Sri S.S.Murthy (Respondent 4)	01-09-80
3. Sri Ch.Subba Rao (Respondent 5) ...	01-09-80

The above three respondents were shown as Khalssis Helpers in the seniority list published by the DRM/SC on 15-5-90. They were promoted to Gr. III in scale Rs. 950-1500 with effect from 3-6-1988 as per the seniority list published on 1-10-90.

9. The DRM/SC vide his letter of even No. dated 3-6-88 mentioned that Sri J.G. Sudhakar, Sri S.S.Murthy and Sri Ch. Subba Rao, Khalasi Helpers were promoted as H.S.III Lineman in scale Rs. 950-1500 on purely adhoc basis. It is not understood on what basis they were shown as having been regularly promoted to the said grade with effect from 3-6-1988.

10. The above three respondents were promoted to HS I in scale Rs. 1320-2040 with effect from 10-6-96. In this connection it may be pointed out that they were given promotion orders to HS II in scale of Rs. 1200-1800 on 9/12-11-90. They were not called for trade test to HS I in 1991 and they were tested on 19-5-91 and promoted to HS I on 10-6-91.

11. The respondents have not followed the same principle which was applied to the cases of respondents 3,4, and 5 who were shown as having been promoted to HS Gr.III from 3-6-88 eventhough the applicant passed the test on 4-5-1988 much earlier than the respondents and the same was incorporated in the letter issued by DRM/SC on 31-1-95. By

not adopting the same principle as was done in the case of three respondents resulted in the incorrect fixation of the seniority of the applicant without assigning the correct seniority to the applicant in spite of his representation dated 1-8-97, the respondent No. 1 has issued two notices 1. CP/605/Selection/ELC'B'/TRD dated 10-7-97 proposing to conduct selection to the post of JD-II/ELC'B' in scale Rs. 1400-2300 on 6-9-97 which has been subsequently changed to 10-9-97 and another notification to conduct selection to the post of Master Craftsman in scale Rs. 1400-2300 on 16-9-97 based upon the seniority of the applicant in HS I grade which has not been rectified in the case of applicant in spite of the DRM/P/SC letter dated 10-1-96 and 27-6-96. The applicant's seniority has to be fixed above the respondents 3, 4 and 5 consequent on the letter dated 31-1-95 of the DRM/P/SC wherein it has been categorically stated that the applicant's name has been considered by the competent authority for assigning the seniority between S.No. 10 and 11 in the seniority list dated 10-3-92.

12. In spite of the said letter the applicant's seniority has not been correctly assigned vide DRM/P/SC letter dated 27-6-97 which does not correctly assign the applicant's seniority except stating that his seniority was assigned with effect from 22-6-1988 in the HS Grade III. This has resulted in the non-inclusion of the applicant in the eligible list of candidates for consideration to the post of Junior Engineer 'B' and Master Craftsman in scale Rs. 1400-2300 who have been called for the selection based on the seniority of staff in HS. I.

13. It is respectfully submitted that the applicant belongs to reserved category - SC and the points against

which he has been put in the seniority list according to SC quota in the different HS III, HS II and HS-I grades has not been clearly mentioned in any one of the letters issued by the DRM/P/SC.

14. It is submitted that the applicant made a presentation as early on 1-8-97 immediately after the notification issued in connection with the selection in the post of Junior Engineer in scale Rs. 1400-2300 wherein he requested for placing him above respondents 3, 4 and 5 herein in the different grades. He also requested to postpone the proposed test till the disposal of his representation for correct assignment of seniority. This has not been disposed of. On the other hand another notification was issued by the DRM/P/SC on 14-8-97 for filling up of vacancies in the category of Master Craftsman in scale Rs. 1400-2300 in which also his name has not been included for the suitability test. The applicant is eligible to be considered for the above two posts in the event of his succeeding in getting his seniority correctly assigned above respondents 3, 4 and 5 herein.

15. As the applicant did not receive any reply to his representation dated 1-8-97 wherein he has clearly mentioned that he should be placed above respondents 3, 4 and 5 in all the Skilled Grades, he filed O.A.No. 1176/97 in this Hon'ble Tribunal praying for quashing the letter dated 27-6-97, 10-7-97 and 22-8-97 or in the alternative to permit the applicant to appear for the said selections pending disposal of the O.A. This Hon'ble Tribunal by its order dated 9-9-97 disposed of the O.A. by passing the following orders:

It is essential that the respondents should give him a detailed reply to his representation dt. 1-8-97 after giving notice to the affected parties.

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5. In the meantime the selection for the post of Master Craftsman and Junior Engineer Gr. II had already been programmed. It would be unfair to stop the selection proceedings in the last minute. Hence the we are of the opinion that the selection proceedings should be continued as scheduled. But the results of the selection proceedings should not be finalised until the representation of the applicant dt. 1-8-97 is disposed of. If on the basis of the consideration of his representation dt. 1-8-97 the applicant is also found eligible for consideration to the above said post of Master Craftsman and Junior Engineer Gr. II he should also be examined by conducting a supplimentary selection and on the basis of that selection his name should be interpolated at appropriate place in the final selection list if he qualified in the supplimentary selection. "

16. It is submitted that as no stay was granted against conducting the selection, the respondents proceeded with the selection to the post of Electrical Chargman 'B' and Master Craftsman on the respective dates. But the results of the written test have not been announced till the disposal of the applicant's representation dated 1-8-97. The ~~Sr.~~ DRM/ So vide his letter No. CP/605/Selection/ELC 'B'/TRD dated 15/24-10-1997 rejected the applicant's representation dated 1-8-97 only repeating the earlier letter dated 27-6-97 without properly applying his mind to the various points raised in the representation.

17. It is submitted that the applicant along with two others viz. Ch. Sambasiva Rao and Sri M. Sambasiva Rao were asked to appear for the trade test that was conducted on 14-4-1988 and they were all declared to have passed

the trade test and empanelled on 4-5-88 for absorption against vacancies. Trade test, according to Establishment Rules are conducted against vacancies and the concerned employees have to be regularised against the vacancies from the date of empanelment. It was only in this context that a notice was given on 31-1-95 for fixing the seniority of the applicant in Hs Grade III with effect from 4-5-1988 and objections if any were called for from the employees above whom the applicant's seniority was to be fixed. The applicant's seniority was not correctly fixed due to the fault of the administration and for the mistake of the Department, the applicant should not be made to suffer. The applicant's seniority should have been fixed as from 4-5-88 and not from 22-6-88 as was done in the case of Sambasiva Rao. If Sambasiva Rao has not objected to the fixation of the seniority from 22-6-88 it does not mean that the applicant's seniority should be blindly fixed as in the case of Sambasiva Rao. It is the fault of the Administration for not promoting the applicant immediately on the date of empanelment and give him retrospective promotion as is being done in a number of cases. The date of the occurrence of the vacancy has to be taken into consideration and the trade test is conducted with reference to the existing vacancies. The statements made by the DRM that there was no vacancy for promoting the applicant and that the other two are seniors is absolutely incorrect and not borne out by facts and records.

18. In this connection it is pertinent to point out that respondents 3, 4 and 5 were promoted on ad hoc basis from 3-6-1988 as per DRM letter No. CP/676/EL/TRD/SC/PT.II dated 3-6-1988 wherein it is stated that J.G.Sudhakar, Khalasi Helper, Ch. Subba Rao and S.Suryanarayana Murthy who are Khalasi Helpers were promoted on ad hoc basis as Lineman Skilled

Grade III and it is mentioned in the said order that the promotions are purely on adhoc basis. A trade test was conducted on 25-10-1990 vide DRM/SC letter No. CP/676/OHE/TRD and the results were declared in which respondent Nos. 3, 4 and 5 have been shown as having passed. The question of regularisation arises after the trade test results are announced. But, the DRM/SC vide his letter No. CP/676/OHE/TRD/SC/Pt.II dated 23/24-10-1990 has stated that respondents 3, 4 and 5 who are Khalasi Helpers in scale Rs. 800-1150 promoted on adhoc basis vide letter dated 3-6-1988 are deemed to have been regularised w.e.f. 3-6-1988. This letter was issued on 24-10-90 whereas the Trade test was conducted on 25-10-90. The promotions of respondents 3, 4, and 5 as stated in the DRM letter dated 3-6-1988 are ~~xxx~~ adhoc. The regularisation of the respondents against vacancies arises only after the holding of the ~~trade~~ trade test when the respondents are regularised from the date of adhoc promotion it is not understood how the applicant who was working in the scale of Rs. 950-1500 as Driver was not regularised even after the trade test results were announced on 24-5-88. This is a clear case of discrimination and the assignment of seniority from the date of adhoc promotion is contrary to rules and that too when the trade test was held on 25-10-1990 when only the respondents 3, 4, and 5 were found suitable for promotion. Different criteria cannot be adopted in the case of the applicant and the DRM/SC has not properly applied his mind to the facts of the applicant's case and gave a mechanical disposal to fulfil the orders of this Hon'ble Tribunal and thereby regularise the irregularities committed in fixation of the seniority of the applicant. The applicant belongs to Scheduled Caste community and he is entitled for promotion according to the roster point which was also deliberately overlooked.

VII. Relief Prayed for:

In view of the facts mentioned in para VI of the O.A. the applicant herein humbly prays that this Hon'ble Tribunal may be pleased to call for the records pertaining to the seniority of the applicant vis a vis the respondents 3, 4 and 5 herein and direct the respondents to assign the correct seniority for him over the respondents 3, 4 and 5 herein taking into account the date of passing the Trade Test i.e. 24-5-1988 for the existing vacancies as on that date ~~and~~ in that against the quota for SCs or as per merit order and also the date of appointment of the applicant ~~in xxxxxx~~ and regulate his promotion to the Grade of HS II and HS I according to the trade test held with all consequential benefits such as arrears of salary etc., directing the respondents to conduct a supplementary test for promotion to the post of Electrical Chargeman 'B' and Master Craftsman in respect of which the selections were held on the due dates as notified in the letter dated 14-8-97 and 10-7-97 of the Divisional Railway Manager, Secunderabad by setting aside the (6)
DRM CP/SC letter No. CP/605/Selection/ELC 'B'/TRD dt 15.12.10.97 and
letter No. CP/676/CHARGE/IB/TRD dt 27.6.97.

VIII. INTERIM RELIEF :

Pending disposal of the O.A. the applicant herein prays that this Hon'ble Tribunal may be pleased to direct the respondents not to publish the results in respects of the writtentest held for the selection to the post of Electrical Charge IB' and Master Craftsman vide Divisional Railway Manager, Secunderabad letter No. CP/676/MCM/TRD/I dated 14-8-97 and No. CP/605/Selection/ELC 'B'/TRD dated 10-7-97 till the ~~the result~~ of supplementary examination and ~~of the applicant~~ holding/and declaring the result of the applicant in such supplementary examination as otherwise the applicant will be put to irreparable damage in that he will be deprived of his right to be considered for the selection

for the examination on account of the incorrect fixation of seniority of the applicant and pass any other order or orders as deemed fit and proper in the circumstances of the case.

IX. REMEDIES EXHAUSTED:

The applicant declares that he has availed all the remedies available under service rules in as much as his representation dated 1-8-97 was rejected by the apex respondents on 15/24-10-1997.

X. CASES PENDING IN ANY COURT ETC:

The applicant further declares that he has not filed any case in respect of the subject matter of this O.A. in any Court or Bench of this Tribunal nor it is pending with any other authority.

XI. PARTICULARS OF POSTAL ORDER:

Postal Order No. 12 545534

Dated : 13-9-97

for Rs. 50/- drawn in favour of the Registrar of Central Administrative Tribunal, Hyderabad Bench at Hyderabad is enclosed.

Rs 50/- A
~~L.P.O./B.C./D.D./Removes~~

~~L.P.O./B.C./D.D./Removes~~

XII. PARTICULARS OF INDEX:

An index containing the particulars of the material papers relied upon is enclosed.

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XIII. PARTICULARS OF ENCLOSURES:

1. Vakalat
2. Postal Order No. 8 12 545534 dated
13-9-97 for Rs. 50/-
3. Index containing the documents relied
upon.
4. Addressed envelopes. (5)


V E R I F I C A T I O N

I, M. Magendran s/o V. Madhurai, aged 39 years, working as Truck Driver Grade I office of the Chief Traction Foreman/TRD/OHE, Maintenance Depot, South Central Railway, Kazipet resident of Kazipet having temporarily come down to Hyderabad do hereby verify that the contents of paras I to XIII of this O.A. are true and correct to the best of my knowledge and belief and that I have not suppressed any material facts of the case.

Hence verified on this the 4th day of
November, 1997 at Hyderabad.


APPLICANT

To
The Registrar,
Central Administrative Tribunal,
Hyderabad Bench,
HYDERABAD.


Counsel for the Applicant.

SOUTH CENTRAL RAILWAY

21
2007 P.14
OFFICE OF THE
DIVISIONAL RAILWAY MANAGER
PERSONNEL BRANCH: FIFTH FLOOR
SANCHALAN BHAVAN: SECUNDERABAD.
Dt: 27-06-1997.

No. CP/676/OHE/ANC/TRD.

Sri M. Magendran,
Truck Driver Sk.I, } Through SSE/OHE/KZJ.
SSE/OHE/KZJ.

Sub: Modification of combined seniority of Linemen Sk.III
and Ancillary Sk.III in scale Rs.950-1500(RSRP) in
OHE Cadre, TRD Organisation, SC Division.

Ref: Your representation dated 20-12-96.

With reference to your representation dated 20-12-96, regarding revision of seniority as Truck Driver Sk.III in scale Rs.950-1500(RSRP) it is to advise you that the notice issued vide this office letter of even number dated 31-01-95 in respect of assignment of seniority as Truck Driver Sk.III was only a proposal inviting representations against the proposed change, if any, and was not a final order.

After carefully considering the representations received against this office notice dated 31-01-95, it was decided to assign seniority in your favour as Truck Driver Sk.III with effect from 22-06-88, the date on which the other two senior employees in the panel namely Sri Ch. Sambasiva Rao and Sri M. Sambasiva Rao were absorbed as Truck Drivers Sk.III in scale Rs.950-1500(RSRP) in TRD Organisation, SC Division.

Accordingly you have been assigned seniority as Truck Driver Sk.III with effect from 22-06-88 vide this office letter of even Number dated 24-05-95.

Consequent upon the revision of seniority as above, you have been promoted (on proforma basis) as Driver Sk.II in scale Rs.1200-1800(RSRP) with effect from 30-07-91 and as Driver Sk.I in scale Rs.1320-2040(RSRP) with effect from 01-03-1993.

With regard to fixation of pay in scale Rs.950-1500(RSRP), your previous service as Driver Sk.III in scale Rs.950-1500(RSRP) in RE organisation has been taken into account, and while fixing your pay in scale Rs.1200-1800(RSRP), your previous service as Driver Sk.II in scale Rs.1200-1800(RSRP) in RE Organisation has been taken account. Your pay has been refixed vide this Office Memorandum issued under letter of even Number dated 27-06-97.

The receipt of this letter may be acknowledged.

(T.V.R.K. SARMA) A.P.O. (E): SC
for DIVL. RAILWAY MANAGER(P): SC
KZJ SSE/OHE/KZJ.

C/ Sr. DEE/TRD/SC, DEE/TRD/SC

for DIVL. RAILWAY MANAGER(P): SC

SOUTH CENTRAL RAILWAY

Office of the
Divisional Railway Manager
Personnel Branch: 5th floor
Sanchalan Bhavan: Secunderabad.

No. CP/676/MCM/TRD/I

Dt: 14-08-1997.

SSE/OHE/MLY SNF BKL KZJ DKJ
SE/PSI/KZJ JMKT

Sub:- Filling up the vacancies of MCM in scale
Rs.1400-2300(RSRP) in TRD organisation,
Secunderabad Division.

It is proposed to fill up 7 (SC-1, ST-1, OC-5) vacancies
in OHE cadre and 2 (SC-1, OC-1) vacancies in PSI-RC cadre in
the category of MCM in scale Rs.1400-2300(RSRP), TRD organisation,
Secunderabad Division. The following Artisans SK.I in scale
Rs.1320-2040(RSRP) may be directed to attend the suitability test
fixed to be held, on 10.09.97 at 11.00 Hrs. in Sr.DEE's(TRD)
Office/Secunderabad.

- | <u>S/Shri</u> | <u>OHE CADRE</u> |
|-------------------------|--------------------------|
| 1. K.Giridhar Babu | T.W.D.SK I, OHE/MLY |
| 2. Syed Habibur Rahman | T.W.D. SK I, OHE/SNF |
| 3. P.Laxminarayana | T.W.D.SK I, OHE/BKL |
| 4. Kistiah Elliah (SC) | B/Smith SK I, OHE/KZJ. |
| 5. G.Fowel | Gen.Fitter SK I, OHE/KZJ |
| 6. J.G.Sudhakar | T.W.D. SK I, OHE/DKJ |
| 7. P.Venkateswarlu (ST) | LM SK I, OHE/BKL |

- | | <u>PSI RC CADRE</u> |
|--------------|----------------------|
| 1. A.Anthony | Fitter SK I, PSI/KZJ |

Staff belonging to SC/ST community may be imported with
pre-selection training for a period of 3 weeks before the
suitability test and a certificate to that effect may be sent
to this office.

If any one of the above employees is not willing to appear
for the suitability test a written declaration may be obtained and
sent to this office within 15 days from the date of issue of this
letter.

(T.V.R.K.SARMA)
APO(E)

for Divisional Railway Manager(P)/SC

C/- Sr.DEE/TRD/SC DEE/TRD/KZJ
AEE/TRD/DKJ SKZR
OS(P)SR Cell Conf. Section.

for Divisional Railway Manager(P)/SC

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SOUTH CENTRAL RAILWAY

OFFICE OF THE

DIVISIONAL MANAGER

PERSONNEL BRANCH: HRT FIC-CL

STATIONERY BRANCH: GUNDSALLA

No. CP/605/Selection/SIC'B'/TRD.

Dt: 10-07-1997.

SSE/CBE/ IN MIX JMET SRF MIL DMJ KZJ

SD/STI RDM DMJ DMJ

Sub: Selection for filling up the vacancies of JE II(SIC'B')/ LPTC/JM in scale Rs.1400-2300(RSFP) in TRD Organisation SC Division against 25% Rankers Quota.

It is proposed to fill up 4 (SC-Mil, ST-1, OC-3) vacancies of JE II(SIC'B')/LPTC/JM in scale Rs.1400-2300(RSFP) in TRD Organisation, SC Division.

The following Artisans Sk.I in scale Rs.1320-2040(RSFP), may be selected to be in readiness to appear for the above selection.

Sl. No.	Name	Commu	Design/Skn.	Remarks
1.	2.	3.	4.	5.
1.	G. Dasava Raju	OC	NCM, CBE/IL	
2.	V. Koteswara Rao	OC	NCM, PSI/RDM	
3.	K. Giridhar Babu	OC	T.W.D Sk.I, CBE/MLY	
4.	P. Krishnappe	OC	NCM, CBE/JMET	
5.	Syed Habibur Rahman	OC	T.W.D. Sk.I, CBE/SRF	
6.	P. Laxminarayana	OC	T.W.D. Sk.I, CBE/DMJ	
7.	L. Venugopal Raju	OC	NCM, PSI/DMJ	
8.	S. Chandrasekhar	OC	NCM, PSI/DMJ	
9.	J. G. Budhakar	OC	T.W.D. Sk.I, CBE/DMJ	
10.	A. Venkateswarlu	ST	IN Sk.I, CBE/DMJ	
11.	A. Dree Ramulu	ST	IN Sk.I, CBE/DMJ	
12.	S. Rama Reddy	ST	Veh.Driver Sk.I, CBE/MLY	

Sl. No.	Name	Commu	Design/Skn.	Remarks
1.	2.	3.	4.	5.
1.	S. S. Murthy	OC	T.W.D. Sk.I, CBE/JMET	
2.	Distish Ellich	OC	B/Smith Sk.I, CBE/KZJ	
3.	S. Fowel	OC	Gen.Fitter Sk.I, CBE/KZJ	

The employees shown under stand-by may be advised that they will be called for written examination only if any one of the employees called for written examination submit their unwillingness before 13-08-97.

The selection consists of written examination followed by viva-voce. The syllabus for the written examination is enclosed. (appended below).

The written examination is fixed to be held on 6-9-97 at 10.00 hrs. in Sr.DPO's Office/SC. Supplementary test if necessary, will be held on 23-09-97.

If any one of the above staff is not willing to appear for the selection, a written declaration to that effect may be obtained and forwarded to this office for further action on or before 13-08-97. Staff belonging to ST community (Sl.No.10 to 12) may be imparted with pre-selection coaching for a period of 3 weeks

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18

Your claim for seniority as Driver SK.III with effect from 4.5.88 i.e. from the date on which your trade test result has been declared is not tenable for the reason that ~~their~~ seniority will be assigned from the date of absorption to the post and not from the date of publication of trade test results. Sri Syed Nabi Saheb, Sri J.G. Sudhakar, Sri SK. Wagoorvali and Sri G.Raju were promoted on 3.6.88. These staff were working as Group 'D' employees in TRD organisation and they were promoted as Artisan SK.III in scale Rs.950-1500(RSRP) on 3.6.88 against 50% promotional quota according to their seniority position. Sri Ch.Sambasiva Rao, Sri M. Sambasiva Rao and yourself while working in RE organisation had volunteered to come to Secunderabad Division. After ~~test~~ ^{trade} test you were promoted with effect from 22.6.88.

You are not coming up within the field of eligibility to be called for selection for the post of BLC 'B' in scale Rs. 1400-2300(RSRP) against 25% Rankers quota as per your seniority as Driver SK.I in scale Rs. 1320-2040(RSRP) with effect from 1.3.93.


⊙ and mem in scale Rs 1400 - 2300 (RSRP)


(T.V.R.K.SARMA)

APO(E)

for Divisional Railway Manager(P)/SC.

C/- Sr.DEE/TRD/SC. for information please.


for Divisional Railway Manager(P)/SC.

SOUTH CENTRAL RAILWAY

Office of the
Divisional Railway Manager
Personnel Branch, 5th floor,
Sanchalan Bhavan, Secunderabad.

Sri

No. CP/605/Selection/ELC'B'/TRD dt. 15-10-97.

Sri M. Magendran,
Truck Driver. SK.I. OHE/KZJ (Through SSE/OHE/KZJ)

Sub:- Revision of combined seniority of Line men SK.III/
Ancillary SK.III in scale Rs.950-1500(RSRP) OHE cadre
TRD organisation Secunderabad Division.

Ref:- ① Your representation dt. 1.8.97.

② CAT/HYB's order dated 2.9.97 in O.A. No 1176/97.

With reference to your representation cited above, with regard to assignment of seniority as Driver SK.III in scale Rs. 950-1500(RSRP), it is to advise you that the notice issued under this office letter No. CP/676/OHE/ANC/TRD dt. 31.1.95 in respect of assignment of seniority as Truck Driver SK.III with effect from 4.5.88 was only a proposal inviting representations against the proposed change, if any and was not a final order. This aspect has been advised to you vide this office letter No. CP/676/OHE/ANC/TRD dt. 27.6.97.

You have been trade tested for ~~xx~~ absorption as Truck Driver SK.III in scale Rs.950-1500(RSRP) in TRD organisation, Secunderabad Division on 11.4.88 along with Sri Ch.Sa-basiva Rao and Sri M. Sambasiva Rao and all the 3 were declared passed in the trade test for the post of Driver SK.III on 4.5.88. The other two employees, being seniors to you, were absorbed as Driver SK.III on 22.6.88 and you had not been absorbed due to non availability of vacancies. However you have been absorbed as Driver SK.III on 2.1.90.

After careful consideration of the representations received against this office notice dated 31.1.95, it was decided to assign seniority in your favour as Driver SK.III with effect from 22.6.88 i.e. the date on which the other two senior employees in the panel were absorbed as Driver SK.III in scale Rs. 950-1500(RSRP) in TRD organisation, Secunderabad Division. Accordingly you have been promoted as Driver SK.II in scale Rs. 1200-1800(RSRP) on 30.7.91 and Driver SK.I in scale Rs.1320-2040(RSRP) on 1.3.93 (both on proforma basis) vide this office order No. 4/TRD/1/96 dt. 18.1.96.

grounds among others.

GROUND

GROUND NO(1):- That ~~the~~ your office Letter. No. CF/676/OHE/ANC/TRD of 31-1-1995 based on my representation dated 22-11-1993 and 93rd PNM with S.C. R.E. SANGH Secunderabad (EG) Division held on 24-11-1994 fixing my seniority taking my promotion as Truck Driver Grade-III on 4-5-1988 assigning my seniority below No: 10 R. Sree Ramulu, B.M.-III and above S.No: 11 Shri. Syed Nabi Saheb published vide your office Letter CP/612/TRD/ 6 10-3-1992 is absolute correct because.

(1) Shri. CH. Sambasiva Rao (2) M. Sambasiva Rao and myself were directed to CPM/RE/BZA for regular absorption vide DM(P)/BG/SC Letter. Nos C/P 676/EL/TR/SC/2 of 4-5-1988 whereas due to Administrative error and mistake are delay orders of actual posting issued as C/P 676/EL/TR/SC/2 of 21-6-1988 was issued and wrong seniority dated of 22-6-1988 fixed to me as well as to the above said two Sambasiva Rao's and hence my date of entry as well as of Shri. CH. Sambasiva Rao and M. Sambasiva Rao should be 4-5-88 but not 22-6-1988.

GRADE - 950- 1500 SKALU D. GRADE-III

SL NO	SENIORITY AS FIXED	SL NO	SENIORITY TO BE FIXED CORRECTLY TAKING
As per your Office Letter Nos CP /612/TRD/ of 10-3-1992 and corrected as per your office Lr. No. CP/676/OHE/ANC/TRD/ of 27-6-1997.			
1)	18 M. SAMBASIVA RAO	22-6-88	4-5-1988 as date of entry into the Grade.
2)	(18A) M. MAGENDRAN	22-6-88	1) 10 R. SREERAMULU D.O.E. 18-2-88
3)	19 A. GURPADAM	22-6-88	2) (10A) M. MAGENDRAN 4-5-88
			3) 11 SYED NABI SAHEB 3-6-88
			4) 12 J.G. SUDHAKAR 3-6-88
			5) 13 SK. NAGOORVALI 3-6-88
			6) 14 K. RAJU 3-6-88
			7) 15 S. SATYANARAYANA MURTHY 3-6-88
			8) 16 CH. SUBBA RAO 3-6-88

BY REGD POST WITH ACK DUE

KHAJIPET,
Dt: 1-8-1997.

FROM,

SHRI. M. MAGENDRAN,
TRUCK DRIVER, Grade-I,
UNDER SENIOR SECTION ENGINEER,
/OHE/TRD/S.C. RAILWAY,
KHAJIPET (RS)- 506 003.
(WARRANGAL DISTRICT)

TO,

THE SR. DIVISIONAL PERSONNEL OFFICER,
S.C. RAILWAY, SECUNDERABAD (DG) DIVISION,
SANCHALAN BHAVAN,
SECUNDERABAD- 500 371. (A.P.).

THROUGH PROPER CHANNEL

Respected Sir,

SUB:- Representation against Revision of
Seniority of Line Men, SK-I/Ancillary
SK.I in scale Rs. 1320-2040 (RSRP) in
OHE Cadre TRD Organisation SC
Division.

- REF:-
- 1) Seniority List published vide your office letter of even no dated 29-7-97.
 - 2) Your Office Letter Nos CP/612/TRD/SC of 29-7-1997 conferring seniority to Shri. Kistiah, Eliah B/Smith and Shri. G. Foul, General Fitter.
 - 3) Your Office Letter No: CP/676/OHE/Anc/TRD, Dated 27-6-1997 conferring truncated seniority (Half Relief) to me.
 - 4) Your Office Letter No: CP/676/OHE/ANC/TRD/ of 27-7-1997 conferring truncated (Half Relief) fixation of pay.
 - 5) Your Office Letter. No: CF/676/OHE/ANC/TRD of 31-1-1995 conferring correct seniority to me in Scale Rs. 950-1500 (RSRP)
 - 6) Your Office Letter. No: CF/676/OHE/ANC/TRD of 24-5-1995 conferring erroneous seniority to me (Truncated) and half relief.
 - 7) Your Office Letter. No: CP 605/Selection/ELC's/TRD Dated 10-7-1997 omitting my name for charge men selection to appear for examination on 6-9-1997.

PARA(1):- I most humbly and respectfully submit this representation for kind perusal and for correctly assigning my seniority in scale Rs. 950-1500 Skilled Grade-III in Scale Rs. 1200-1800 Skilled Grade-II and in scale Rs. 1320-2040 (RSRP) Skilled Grade-I on the following

Contd..2.

SELECTION FOR CHARGE MAN

Based on the above position of my

seniority in skilled trades, I have come in zone of eligibility to be called for written examination as shown in your office letter. Not CP/605/selection/ELC/THD of 18-7-1997 my name was not shown. A matter of fact, my name should be above No. (9) Suchaker and also above G. But as per your office letter. Not CP/612/THD/SC of 29-7-1997.

CONCLUSION: PRAYER FOR RELIEF SUCCEED

1) In conclusion, I submit this representation for your

kind interest and very close examination of my case applying your mind to all the above facts and RLY for orders on assigning

seniority and also to correct the erroneous seniority & fixation of pay due to administration error vide RLY to letter. Not E (NG) 63 P/M/1/92 of 15/17-9-1994 where it is stated that staff who

have lost seniority on account of administrative error should on promotion be assigned seniority as if they were in the same

already proposed irrespective of the date of appointment.

41) That no scheduled caste is entitled to 40

point roster against 12% promotion quota in skilled grade-II, II and I and such be done, I am entitled to still higher seniority position in all the above 3 grades.

41) Pending disposal of this my urgent representation for touching consequences, the next notice for selection of change man to be maximum held on 5-9-1997 may kindly be postponed, telling which I shall be constrained to challenge the selection in Central Administrative Tribunal, Hyderabad and will obtain stay of selection pending disposal of my this representation.

Be please to consider

YOURS FAITHFULLY,

ADVANCE COPY SENT BY
POST TO SR. CPD/S.C.H.V.
BANGALORE
to save delay.

(M. M. MADHAN)

Received on 11.8.97 and forwarded to DCE/THD/SC

on 11.8.97

11/8/97

11/8/97

1.21

(3)

SKILLED GRADE-XX SENIORITY

GROUND NO. 2

Based on the above those and foundation, I am entitled to Skilled Grade-II seniority on

Under:-

Sl. No.	Seniority	NAME	D.O.B.	Sl. No.	Seniority	NAME
1)	21	M. SANKASIVA RAO	30-7-91	1)	12	P. LAKSHMINARAYANA
2)	21A	M. RAGENDRAN	30-7-91	2)	13A	M. RAGENDRAN
3)	22	M. GURPADAM	30-7-91	3)	13	J.C. SUDHAKAR
4)				4)	14	S. SATYANARAYA NA MURTHY
				5)	15	CH. SUBBA RAO

SENIORITY AS FIXED EARLY ON
Vide D.O. No. CP 676/CHL
/TRD/ of 8-9-91 & my revised
seniority vide your office Ltr.
No. CP/676/CHL/ANC/TRD of
27-6-1997.

SENIORITY TO BE FIXED EARLY

GROUND NO. 3

SKILLED GRADE-I SENIORITY

Based on the above said position my Inter Seniority has to be maintained in Skilled Grade-I seniority should

be as under:-

Sl. No.	Seniority	NAME	D.O.B.	Sl. No.	Seniority	NAME
1)	0	M. SANKASIVANA RAO	1-3-93	1)	7	P. Lakshmi
2)	6A	M. RAGENDRAN	1-3-93	2)	7-A	M. RAGENDRAN
3)	9	M. GURPADAM	1-3-93	3)	8	J.C. SUDHAKAR
				4)	9	S. S. MURTHY
				5)	10	CH. SUBBA RAO

Seniority as published vide your office letter No. CP 407/ No structuring GRD/TRD-93 of 10-4-1993 and seniority list CP 612/TRD/ES of 7-93 and my revised seniority vide your office letter No. CP 676/CHL/ANC/TRD of 27-6-1997.

My seniority should be as under

24

.. 2 ..

of that representation notice was issued to the affected parties by letter No. C.P./676/OHE/ANC/TRD, dt. 31.1.95 (A-4) calling forth objections if any to include the name of the applicant in the seniority list dt. 10.3.92 below Sl.No.10 and above Sl.No.11 of the seniority list dt. 10.3.92. It is stated that the applicant was informed of his seniority by letter No. CP/676/OHE/ANC/TRD, dt. 27.6.97 (A-1). Against that order the applicant had filed a representation dt. 1.8.97. It is stated that the representation ~~has been~~ ^{was} filed to show him above Sri J.G.Suchakar in the skilled Grade-II seniority list. That representation is yet to be disposed of. In the meantime a selection is being conducted tomorrow for the post of Master Craftsman from the eligible senior candidates who are working now in the grade of Truck Driver Gr-I. It is also stated that another test for ^{the post of} Junior Engineers Gr-II is also to be conducted on 13.9.97.

3. This OA is filed praying for a direction to set aside the impugned orders of DRMP, Secunderabad letter No. CP/676/OHE/ANC/TRD, dt. 27.6.97, letter No. CP/676/MMM/TRD/I, dt. 14.8.97 and letter No. CP/605/Selection/ELE 'B'/TRD, dt. 10.7.97 and 22.8.97 by holding them as arbitrary, illegal and unconstitutional, violative of Articles 14 and 16 of the Constitution and for a consequential direction to the respondents 1 and 2 to correctly fix the seniority of the applicant above the respondents 3, 4 and 5 in the grade of highly skilled III, II and I and hold selection for filling up of the vacancies in the category of Junior Engineer and Master Craftsman in scale Rs. 1400-2300 in the TRD Organisation by issuing fresh alert notices as per the revised seniority of the applicant.

4. The applicant has submitted a representation dt. 1.8.97 (A-8), that representation ~~will~~ challenges the letter dt. 27.6.97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1176/97

Date of Order: 9.9.97

BETWEEN:

M. Nagendran

.. Applicant.

AND

1. Divisional Railway Manager (P),
S.C.Rly., Secunderabad BG
Division, Secunderabad.

2. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.

3. J.G. Sudhakar

4. S.S. Murthy

5. Ch. Subba Rao

.. Respondent.

Counsel for the Applicant

.. Mr. G.V. Subba Rao

Counsel for the Respondents

.. Mr. D.F. Paul



7/10/97
CORAM

HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMIN.)

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

J U D G E M E N T

Oral order as per Hon'ble Shri R. Rangarajan, Member (Admin.)

Mr. G.V. Subba Rao, learned counsel for the applicant

and Mr. D.F. Paul, learned standing counsel for the respondents.

2. The applicant is a Skilled Grade-I Truck Driver working under Chief Traffic Traction Foreman at Kazipet. An integrated seniority list was issued vide Annexure-9 (page-23). The name of the applicant did not figure in that integrated seniority list. Hence the applicant filed a representation. On the basis

is yet to be disposed of. It is essential that the respondents should give him a detailed reply to his representation dt. 1.8.97 after giving notice to the affected parties.

5. In the meantime the selections for the post of Master Craftsman and Junior Engineer Gr-II had already been programmed. It would be unfair to stop the selection proceedings in the last minute. Hence we are of the opinion that the selection proceedings should be conducted as scheduled. But the results of the selection proceedings should not be finalised until the representation of the applicant dt. 1.8.97 is disposed of. If on the basis of the consideration of his representation dt. 1.8.97 the applicant is also eligible for consideration to the above said post of Master Craftsman and Junior Engineer Gr-II he should also be examined by conducting a supplementary selection and on the basis of his selection his name should be interpolated in the final selection list if he qualifies in the supplementary selection.

6. With the above direction the CA is disposed of.

No costs.

प्रमाणित की
CERTIFIED TO BE TRUE COPY

Dr. B. Ram

मुख्य न्यायाधीश
COURT OFFICER
केन्द्रिय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

[Signature]

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1	2	3	4	5	6	7	8	9	10
				DOB	DOA	Entry into grade			
14. K. Raju	B/smith	DEJ		24.06.51	21.08.80	03.06.88		OC	Offg: as II.
15. S. Satyanarayana Murthy	LM. III	JMKT		24.07.48	01.09.80	03.06.88		OC	Offg: as
16. Ch. Subba Rao	LM. III	EZJ		05.03.52	01.09.80	03.06.88		OC	-do-
17. L. Jayapaul	LM. III	NKD		15.06.53	23.08.80	03.06.88		OC	
18. M. Sambasiva Rao	Jeep Dvr.	EZJ		10.10.58	01.01.84	22.06.88		OC	Offg: as
19. A. Gurupadam	Carp.,	DEJ		15.07.49	12.05.81	27.07.88		OC	Offg: as
20. A. Gnana Prakash	Painter	DKJ		08.03.49	01.05.80	27.07.88		OC	Offg: as
21. K. Krishnam Raju	Truck Dvr.,	BEL		16.04.58	23.12.81	27.07.88		OC	Offg: as Driver.
22. B. Jagannathan Balaji	LM. III	BKL		01.07.66	10.06.83 21.12.88	21.12.88		OC	Offg: as Direct. Re-ment-Merit of the Pa. Published Lr. No. 4/P dt. 13-4-88
23. G. Nagendra Babu (Offg: as LM. II)	LM. III	JMKT		25.05.67	27.07.88 30.01.89	30.01.89		OC	-do- Merit
24. K. V. R. K. Abbai	LM. III	BKL		10.06.65	27.07.88	30.01.89		OC	-do- Merit
25. P. Jayachandran (Offg: as LM. II)	LM. III	JMKT		08.03.63	29.07.83 30.01.89	30.01.89		OC	-do- Merit
26. M. Mastan Veli (Offg: as LM. II)	LM. III	DEJ		16.05.63	27.07.88 30.01.89	30.01.89	30.1.91	OC	-do- Merit
27. P. V. Rajavish	LM. III	RDM		10.08.63	27.07.88 28.01.89	28.01.89 30.01.89	30.1.91	OC	-do- Merit
28. M. Venkateshwarloo (Offg: as LM. II)	LM. III	RDM		15.08.63	27.07.88 29.01.89	29.01.89 30.01.89	30.1.91	OC	-do- Merit

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Contd. P. 3

U.S. 7.26

PROVISIONAL SENIORITY LIST OF LINEMEN SKILLED-III/ANCILLARY STAFF SKILLED-III IN SCALE RS. 950-1500 (RSRP) ONE CARE OF TRD ORGANISATION OF SECUNDERABAD (BROAD GAUGE) DIVISION AS ON 01.03.1992.

Sl No.	Name S/Sgt	Designation	Station	Date of Birth	Date of appointment	Date of entry into the Grade	Date of confirmation	Remarks
1	K. Kings Reddy	LM-Sk-III	OHM/ RDM	19.12.37	09.01.53	01.04.79 17.06.89	08	ex. loco Dept. OC No. 52/89 of 5/6/89.
2	Syed Ghousulware	Offg: LM. I	MED	24.03.51	25.12.30	25.11.80	09	Offg: as Del. Mech. II.
3	G. Foul	Offg: Genl. Pitter-II	BKJ	30.08.58	15.04.81 14.03.83	21.09.84	09	Offg: as Genl. Pitter-II.
4	P. Venkateshwarlu	Offg: LM. I	BKL	01.07.54	24.03.81	05.07.86	ST	Optee from BZA Divn.
5	P. Ramnarayana	Offg: LM. I	MED	15.07.58	26.09.80 05.02.87	06.02.87	09	Offg: as LM. I
6	K. Gaddar Babu	-do-	MED	30.08.56	20.05.80 05.02.87	06.02.87	09	Offg: as LM. I
7	P. Krishnaappa	-do-	JWKT	20.10.37	15.09.80 05.02.87	06.02.87	09	-do-
8	Syed Hanifur Rehman	-do-	DKJ	04.06.58	07.03.80 06.02.87	06.02.87	09	-do-
9	P. Laxminarayana	-do-	MED	10.07.60	15.10.80 06.02.87	06.02.87	09	-do-
10	R. Sree Ramuloo	LM. III	DKJ	01.07.50	01.07.75	18.02.88	ST	Ex. Steam surplus Promoted as LM. II OO No. 46/91.
11	Syed Nabi Sabab	LM. III	BKL	26.07.42	28.3.80	03.06.88	09	-do-
12	J. C. Sudhakar	LM. III	DKJ	24.11.53	23.08.80	03.06.88	09	-do-
13	S. Nageswaraiah	Comm-III	BKL	07.12.54	10.12.15	03.06.88	09	contd...

Approved

SOUTH CENTRAL RAILWAY

OFFICE OF THE
DIVISIONAL RAILWAY MANAGER (E.G.)
SECUNDERABAD.

No. C/P/676/EL/TRD/SC/Pt. II.

DATED: 25-6-1988

S.O.C. No. 55 /JR/ 1988.

Sub:- Filling up of vacancies of Linemen Skilled and Khalasi-Helpers in TRD Cadre of Elec.
Department of Secunderabad (Broad Gauge) Division.

The following Khalasi-Helpers in Gr. M.800-1150(RSP) who have passed requisite Trade Test are promoted to officiate as Linemen Skilled in Grade M.950-1500(RSRP) on ad hoc basis and posted at the Units indicated against each:-

Sl. No.	Name of the Employees S/Shri.	Present Designation.	Present Unit/Station.	Promoted as	Posted to Unit / Station.
1	J.S. Sudnakar	Khalasi-Helper	CTFC/CHE/ DKJ	Linemen Skilled Grade M. 950-1500(RSRP)	CTFC/CHE/DKJ against the post of Lineman HSK-II Ty. operated as Skilled.
2	Sd. Babisaheb	-do-	TFC/CHE/ BKL	-do-	TFC/CHE/BKL against the post of Lineman HSK-II Ty. operated as Skilled.
3	K. Jayapal	-do-	-do-	-do-	TFC/CHE/NKD against the Ty. transferred post of Lineman HSK-II from CHE/ JMKT ty. operated as Skilled Lineman.

Contd: 2 :

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1	2	3	4	5	6
4	Ch. Subba Rao	Khalasi-Helper.	CTFO/CHE/DKJ	Lineman Skilled Gr. E. 950-1500 (RSRP)	TFO/CHE/KZJ against the existing vacant post of Lineman HSK. I operated as Lineman Skilled.
5	S. Sathyanarayana Murthy	-do-	-do-	-do-	

11. The following Khalasis in Gr. E. 750-940 (RSRP) who have passed requisite Trade Test for post of Khalasi-Helpers are promoted to officiate as Khalasi-Helpers in Grade E. 800-1150 (RSRP) on adhoc basis and posted at the Units shown against their names.

1	2	3	4	5	6
1	H. T. Ali	Khalasi	TFO/CHE/BKL	Khalasi-Helper (CHE)	TFO/CHE/BKL against post of Khalasi-H.
2	S. Radhakrishna	-do-	-do-	-do-	-do-
3	G. Nana Naik	-do-	-do-	-do-	-do-
4	A. Sambasiva Rao	-do-	TFO/PSI/BKL	Khalasi-Helper (PSI)	TFO/PSI/BKL against post of Khalasi-H.
5	B. Lazar	-do-	TFO/PSI/DKJ	-do-	TFO/PSI/DKJ against post of Khalasi-H.
6	P. Sreerama Murthy	-do-	-do-	-do-	TFO/PSI/DKJ against post of Khalasi-H.
7	E. Viswaropachari	-do-	CTFO/CHE/DKJ	Khalasi-Helper (CHE)	CTFO/CHE/DKJ against posts of Khalasi-H.
8	D. Seethara Murthy	-do-	-do-	-do-	-do-

Contd: 3

3/6

32

8.30

: 3 :

III. All the above promotees are eligible for higher rate of pay on completion of 22 days of continuous officiating.

IV. All the above promotions are ordered subject to the condition that there are no SPE/Vigilance/DAR cases pending against them.

V. If the above promoted staff desire to opt for fixation of pay from the dates of their annual increment, they should execute an option within one month from the date of issue of this O.O. in terms of Railway Board's letter No.E (P&A)11-81-PP4 d.Pt.II dated 13.11.81 (Serial Circular No.138/81 issued by CPO/SC) failing which their pay will be fixed under Rule No.2018(B) R-II(FR-22-c) from the date of promotion.

VI. Item No.3, 4 and 5 of para I are only eligible for transfer facilities including transfer allowance.

VII. The above promotions are ordered purely on adhoc basis subject to publication of seniority of TRD staff.

VIII. The date on which the above changes take effect to may be intimated to all concerned.

(V.S.VISWANATHAN) 3/6
for DIVL:PERSONNEL OFFICER/BG/SC.

Copy forwarded for information and necessary action to:-

Sr. DEE/TRD/SC, Sr. DAO/SC, CTFO/OHE/DKJ, TFO/OHE/BKL, TFO/OHE/NKD, CTFO/OHE/DKJ, TFO/OHE/KZJ, TFO/PSI/BKL, TFO/PSI/DKJ. Individuals through respective Supervisors. OS/Bills V and O.O.File.

(V.S.Viswanathan) 3/6
for DIVL:RLY.MANAGER (B.G)/SC.

18

SOUTH CENTRAL RAILWAY
Office of the Divl. Rly. Manager (P)
Personnel, Vth floor/Sanchalan Bhavan,
Secunderabad.

No. CP.605.Selection.ELC'BI/TRD.

Date: 22.8.97.

SEE/CHE/LA, MLY, JMKT SNF BKL DKJ KZJ;
SE/PSI/RDM, BKL DKJ.

Sub: Selection for filling up the vacancies of JE II/ELC'BI
ATPC/JTA in scale Rs. 1400-2300/RSRP in TRD Organisation,
SC division against 25% Rankers quota.

Ref: 1. This office Lr. of even No. dt. 10.7.97.
2. This office Lr. No. CP.612.TRD.57 dt. 29.7.97.

No representations have been received against the proposed
revision of seniority of Sri Kistaiah Ellaiah (ST) B.Smith
JE-I CHE/KZJ and Sri G.Powel Genl. Fitter Sk.I, CHE/KZJ as
proposed in this office letter 2nd cited. Hence the seniority
of the above named has been assigned between Serial No.7 & 8
of the seniority list of Lineman Sk.I in scale Rs.1320-2040
(RSRP) in CHE Category TRD Organisation published on 31.8.05.

Consequent upon revision of seniority, Sri J.G.Sudhakar (S.No.9)
TWD Sk.I, CHE/DKJ is included in place of Sri J.G.Sudhakar
RWD & dropped from the list of eligible employees for the
above selection. Sri Kistaiah Ellaiah (ST) Blacksmith Sk.I
CHE/KZJ is included in place of Sri J.G.Sudhakar TWD Sk.I
CHE/DKJ. Sri Kistaiah Ellaiah may be directed to appear
for the written examination to be held on 13.9.1997 at
14.30 hrs in Sr.DPO's Office/ST.

Since Sri K.Giridharā Babu, TWD Sk.I, CHE/MLY has expressed
unwillingness to appear for the written examination, Sri G.
Powel, general Fitter Sk.I, CHE/KZJ may be directed to
appear for the written examination to be held on 13.9.97
at 14.30 hrs in Sr.DPO's office/ST.

The stand-by list is revised as under:

1. Sri J.G.Sudhakar TWD Sk.I/CHE/DKJ
2. " S.S.Murthy TWD Sk.I/CHE/JMKT.

The employees shown in stand-by list may be advised
that they will be called for the written examination only,
if any of the employees called for written examination
submit their unwillingness in writing before 5.9.97.

(I V R K Sarma)
APC/E

for Divl. Rly. Manager (P) ST.

2/- Sr.DEE/TRD/ST, DEE/TRD/ST, KZJ, AEE/TRD/LA, DKJ, SKZR,

for Divl. Rly. Manager (P) ST.

G for
Counselor

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1471/97

Between:

Dt. of Order: 5.11.97.

M.Magendran

...Applicant.

And

1. Divisional Railway Manager, (P), South Central Railway, Secunderabad B.G.Division, Secunderabad.
2. Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
3. J.G.Sudhakar
4. S.S.Murthy
5. Ch.Subba Rao

...Respondents.

Counsel for the Applicant : Mr.G.V.Subba Rao

Counsel for the Respondents : Mr.D.F.Paul

CORAM:

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

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

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Mr.G.V.Subba Rao for the applicant and Mr.D.F.Paul, for the respondents.

Admit. Expedite.

Any promotion to be made to the post of Master Craftsman and to the post of Junior Engineer II (ELC'B') / ATPC/JTS which was conducted in pursuance of the notification No.CP/676/MCH/TRD/I, dt.14.8.97 (A.2) and notification No.CP/605/ selection/ELC'B'/TRD dt. 10.7.97 (A.3) is subject to the outcome in this OA. This has to be mentioned in all the posting orders to be issued for the above post.


5/11/97
DEPUTY REGISTRAR(J)

..2..

Copy to:

1. Divisional Railway Manager, (P), South Central Railway,
Secunderabad BG Division,
Secunderabad.
2. Chief Personnel Officer, South Central Railway,
Railnilayam, Secunderabad.
3. J.G.Sudhakar, Lineman, c/o CTFO/OHE/TRD,
Maintenance Depot, South Central Railway, Dornakal.
4. S.S.Murthy, Lineman, C/O CTFO/OHE/TRD, Jammikunta.
5. Ch, Subba Rao, Lineman, C/O CTFO/OHE/TRD,
Maintenance Depot, Kazipet.
6. One copy to Mr.G.V.Subba Rao, Advocate, CAT, Hyderabad.
7. One copy to Mr.D.F.Paul, Adsl.CGSC, CAT, Hyderabad.
8. One duplicate copy.

YLKR

310
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: 5/11/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

O.A.NO.

1271/97

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

II Court

केन्द्रीय प्रशासनिक न्यायिकरण
Central Administrative Tribunal
दस्तावेज/DESPATCH

10 NOV 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

137

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

OA. NO. 1471 of 97.

Seen:

M. Magendran

Applicant

AND

Divisional Railway Manager(P)
South Central Railway
Secunderabad
And four others:

Respondents.

REPLY STATEMENT FILED ON BEHALF OF RESPONDENTS 1 AND 2.

I, K. Ponnuswami

S/O Kolandaya Gounder

aged 42 years Occupation: Government Service, residing at Secunderabad do hereby solemnly affirm and state as follows:-

1. I am working as Senior Divisional Personnel Officer, South Central Railway, Secunderabad Division and Respondent No. 1 in the O.A. and as such I am well acquainted with the facts of the case. I am filing the Reply Statement on behalf of myself and also on behalf of Respondent No. 2, as I have been authorised to do so. I have read the contents of the O.A. and I hereby deny the various materials averments made therein save those that are expressly admitted herein. The applicant is not to strict proof of all those averments that are and specifically admitted hereunder.

2. The Respondents further submit in Reply to the various averments made in Paras VI and VII of the OA as under:-

Para VI (1) Facts of the case: The applicant was appointed as Casual Labour Khalasi on 21.4.84 in Railway Electrification Organisation. He was given temporary status as Casual Monthly Rated Driver in scale Rs. 950-1500 from 26.08.85. He was promoted ~~as~~ on adhoc basis as Casual Monthly Rated Driver Skilled-II scale Rs. 1200-1800 with effect from 1-8-1988. The applicant along with the following 2 casual labour Drivers of Railway Electrification Organisation were trade tested on 11.04.88 for the post of Truck Driver Skilled-III in scale Rs. 950-1500(RSRP) in TRD Organisation Secunderabad Division.

1. Sri Ch. Sambasiva Rao.

2. Sri M. Sambasiva Rao.

..2.

[Signature]
Asst. Secy. (Adm. & Gen. Secy.)
S. C. Ry., Secunderabad

[Signature]
Dependent
Senior Divisional
Personnel Officer, S.C. Divn.
S. C. Ry., Secunderabad

The first two employees were absorbed as Truck Driver Skilled III in TRD Organisation of Secunderabad Division on 22.6.88, and the applicant could not be absorbed along with the other two employees for want of vacancies. However, the applicant was posted as Truck Driver Skilled III in scale Rs.950-1500/RSRP on 2.1.90 on adhoc basis.

2. Eventhough the applicant was absorbed as Truck Driver Skilled III on 2.1.90 he was not assigned seniority as Truck Driver Skilled III from 2.1.90, pending finalisation of seniority issue of the staff already serving in TRD Organisation. However, he was allowed to continue as Truck Driver Skilled III on adhoc basis with all the monetary benefits admissible to the Truck Driver Skilled III in scale Rs. 950-1500/RSRP. He was not put to any financial loss. On representation, his appeal for fixation of seniority was considered by the competent authority and it was decided to assign him seniority on par with the other two staff along with whom he was trade tested.

It was clearly stated in this office lr. No. CP/676/OHE/ANC/TRD dt. 27.6.97, that the letter No. CP.676.OHE.ANC. TRD dt. 31.1.95, proposing to assign seniority to the applicant in between Sri Ramulu (Sl.No.10) and Sri Syed Nabi Sab(Sl.No.11) in the seniority list published on 18.3.92 was only a proposal and not a final order, and representation if any, were called for from the effected employees against the proposal.

3. After conducting the requisite trade test, the applicant was promoted as Truck Driver Skilled II with effect from 30.7.91 and Truck Driver skilled I from 1.3.93 on proforma basis.

4. The applicant's allegation that the Office Order issued under this office letter No. CP.676.OHE.ANC.TRD.dated 18.1.96 does not speak about the seniority of the applicant is not correct.

...3


ATTESTOR


DEPONENT

Personnel C.

S. C. Raj, Secy.

As per the above order, the applicant is promoted as Truck Driver Skilled II in scale Rs. 1200-1800(RSRP) with effect from 30-7-91 and he is Promoted as Truck Driver Skilled I in scale Rs. 1320-2040(RSRP) with effect from 1-3-93.

5. The applicant's claim to fix his seniority as Truck Driver Skilled III. with effect from 4-5-88 is not admissible for the reason that seniority will not be assigned from the date of declaration of the trade test results. However, he was assigned seniority as Truck Driver Skilled III. with effect from 22-6-88 i.e. from the date the other two staff were absorbed.

6 & 7): The applicant's representation dated 20.12.96 was replied vide this office Lr. NO. CP/676/OHE/ANC/TRD dated 27.6.97. The decision to assign seniority to him as Truck Driver Skilled III with effect from 22.6.88 was already communicated to all concerned vide this office letter NO. CP/676/OHE/ANC/TRD dated 24.5.95 and the same aspect has been clearly stated in para 3 of this office letter dated 27.6.97 cited above.

8. The respondents No. 3, 4 & 5 quoted in the O.A. were already working in TRD organisation, Secunderabad Division as Group 'D' employees before the applicant was absorbed in TRD organisation. All the three respondents were promoted as Artisan Skilled III in scale Rs. 950-1500(RSRP) with effect from 3.6.88 as per their seniority position in Group 'D' category. They were promoted against 50% promotional quota.

9. TRD organisation being new establishment during late 80's, the staff were promoted from one category to another category on adhoc basis, in order to avoid seniority disputes. However, the promotions ordered on adhoc basis were regularised after establishment of TRD organisation.

10. The above 3 respondents were promoted as Artisans Skilled-I in scale Rs. 1320-2040(RSRP) with effect from 10.6.92 vide Office Order NO. 32/TRD/6/92 dated 10.6.92 and not on 10.6.96 as stated in Para V (10) of the O.A. They were promoted as Artisan Skilled II in scale Rs. 1200-1800(RSRP) with effect from 12.11.90 after qualifying in the requisite trade test and further Promoted as Artisan SK-I in scale Rs.1320-2040(RSRP) with effect from 10.6.92 and not on 10.6.91 as stated in the O.A. They were Promoted as Artisan Skilled I only after having qualified in the Trade Test.

Asst. Secy. to Govt. of Andhra Pradesh
S. C. Ry. Secunderabad.

4.
वरि. संयुक्त विभाग
द. अ. मध्य रेलवे/सिकंदराबाद.
Senior Divisional
Personnel Officer, S.C. Divn.
S. C. Ry. Secunderabad.


1. The applicant was absorbed in TRD organisation against 50% Direct Recruitment Quota, whereas the respondents No.3, 4 and 5 were promoted as Artisans Skilled III against 50% promotional quota. When candidates from different sources are appointed their seniority should be decided as under in terms of Rule 302 of Indian Railway Establishment Manual which is reproduced below:-

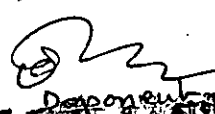
" Unless specifically stated otherwise, the seniority among the incumbents of a post in a grade is governed by the date of appointment to the grade."

Hence the applicant cannot claim seniority over the respondents Nos 3, 4 & 5, even though trade test was held earlier to the applicant than the Respondents. The applicant was assigned seniority as Truck Driver Skilled III with effect from 22.6.88. Whereas he had actually joined TRD organisation on 2-1-90 i.e. he was assigned seniority as Driver Skilled III from the date on which the other two employees on the panel namely Sri Ch. Sambasiva Rao and M. Sambasiva Rao were absorbed in TRD organisation. Hence the allegation made by the applicant that he was not assigned seniority from the date the other two staff were absorbed is baseless. The respondents 3, 4 and 5 are promoted under departmental promotion 50% quota. They passed the trade test on 05.05.88 and were promoted with effect from 3.6.88 on adhoc basis as Artisan Skilled Grade. III.

As per the seniority assigned to the applicant as Truck Driver Skilled I in scale Rs. 1320-2040(RSRP) with effect from 1.3.93 (as advised vide this office letter dated 27.6.97) he has not come up in the field of eligibility to be called for the selection to the post of Electrical Chageman 'B' and Master Crafts Man in scale Rs. 1400-2300(RSRP). This has been clearly notified to the applicant vide this office letter No. CP/605/selection/ELC'B'/TRD dated 24.10.97. This office letter No. CP/676/OHE/ANC/TRD dated 31.1.95 was only a proposal and not a final order. After careful consideration of the representations received from the affected employees, the final order was issued vide this office letter No. CP/676/OHE/ANC/TRD dated 24.5.95, assigning him seniority with effect from 22-6-88.

..5.


Attestor
Asst. Personnel Officer (BO)
S. C. Rly. Secunderabad.


Personnel Officer, S.C. Divn.
S. C. Rly, Secunderabad.

The applicant was assigned seniority as Truck Driver Skilled-III with effect from 22.6.88, the date on which the two employees from Railway Electrification organisation were absorbed. As already stated above, the applicant cannot claim seniority as Truck Driver Skilled III from the date the trade test results were published. This has been clearly mentioned in the office letter NO. CP/605/Selection/ELC'B&/TRD dated 27.6.97 addressed to the applicant. It is submitted that as per seniority assigned to him with effect from 22.6.88 as Driver Skilled III, as Driver skilled II, with effect from 30.7.91 and as Driver Skilled I, with effect from 1.3.93, the applicant has not become eligible to be called for the selection for the post of Electrical Chargeman 'B' and Master Crafts Man in scale Rs. 1400-2300(RSRP). Hence he was not called for the selection for both the posts.

13. Sufficient representation of staff belonging to 'Scheduled Caste' community was available in the categories of Truck Driver Skilled III, Skilled II, and Skilled I, in TRD organisation. Hence no reservation was admissible to Scheduled Caste Community.

14. The applicant was advised of his seniority position vide this office letters dated 27.6.97 and 24.10.97 as per which he did not come up within the field of eligibility for selection to the posts of Junior Engineer II and Master Crafts Man. Further the applicant's representation dated 1.8.97, has been disposed of vide this office letter No. CP/605/Selection ELC'B'/TRD dated 24.10.97 wherein it was clearly stated that he is not coming up within the field of eligibility to be called for the selection to the post of Electrical Chargeman 'B' Master Crafts Man in scale Rs. 1400-2300(RSRP). The question of claiming seniority over the Respondents Nos 3, 4 & 5 does not arise for the reason that the Respondents Nos. 3, 4 & 5 have been promoted as Artisan Skilled III on 3.6.88 much earlier to the applicant who was given promotion on proforma basis as Truck Driver Skilled III, from 22-6-88.

...6..

Attesters
2. M. K. S. (S. O.)
Asst. Personnel Officer (BQ)
S. C. Rly., Secunderabad.

Senior Divisional
Personnel Officer, S. C. Divn.
S. C. Rly., Secunderabad.

15. As per the directives issued by the Hon'ble Central Administrative Tribunal/Hyderabad in OA No. 1176/97, a detailed reply was sent to the applicant vide this office letter No. CP/605/Selection/ELC'B'/TRD dated 24.10.97 disposing of the representation dated 1.8.97 submitted by the applicant. It was clearly stated in this office reply dated 24.10.97 that he will not be eligible to be called for selection to the post of Electrical Chargeman'B'/Master Crafts Man in scale Rs.1400-2300 (RSRP) for the reasons stated in Para 14 above. After disposal of the representation dated 1.8.97, the results of the selection to the post of Junior Engineer-II and Master Crafts Man were published on 12.1.98 and 28.10.97 respectively.

16. The reply sent to the applicant vide this office letter No. CP/605/Selection/ELC'B'/TRD dated 24.10.97 was a detailed reply covering all the points raised by the applicant in his representation dated 1.8.97. The applicant's allegation that his representation dated 1.8.97 was rejected without properly applying mind to various points raised in the representation is baseless.

17. The applicant's claim to be regularised from the date of empanelment is not correct. As per Rule 302 of Indian Railway Establishment Manual VOL. I the seniority is assigned from the date of appointment to the post. The claim of the applicant to assign seniority from the date of publication of trade test results is not tenable. However the applicant was given proforma promotion as Truck Driver skilled-III, with effect from 22.6.88, and assigned seniority also with effect from 22.6.88. The applicant is not entitled to claim promotion from the date of empanelment, or the date of trade test results. Even though the applicant was not absorbed on 22.6.88 simultaneously along with Sri Ch. Sambas Rao and M. Sambasiva Rao during June '88 itself, he has now been fitted in scale Rs. 950-1500(RSRP) as Truck Drivers skilled-III with effect from 22.6.88, without any financial loss and seniority. It is once again submitted that claim of the applicant for promotion as Truck Driver in scale Rs. 950-1500(RSRP) with effect from 4.5.88 i.e. the date of publication of trade test results is not tenable.

.7..

Attestor

Asst Personnel Officer (A-3)
S. C. Rly. Secunderabad

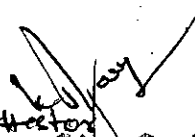
Dependent


वरि. मंडल कार्यालय अ
दक्षिण मध्य रेलवे/सिंहद
Senior Division
Personnel Officer (S.C.)
S. C. Rly, Secunder

18. The Respondents Nos 3, 4 and 5 - all Khalasi Helpers of TRD organisation, Secunderabad Division - had been promoted as Artisan skilled III in scale Rs. 950-1500(RSRP) with effect from 3.6.88 on adhoc basis after Passing the requisite trade test on 5.5.88 since the seniority lists of Group 'D' and 'C' staff of TRD organisation were not finalised, the TRD organisation being new. However, the seniority lists were published on 15.5.90 vide Letter No. CP/612/TRD dated 15.5.90. After Publication of seniority lists of the respondents having become eligible for further promotion as Artisan skilled II in scale Rs. 1200-1800(RSRP), it had become necessary to regularise the adhoc Promotions ordered on 3.6.88 as Artisan skilled III in scale Rs. 950-1500 (RSRP). Hence, Office order under letter No. CP/676/EL/TRD/SC/Pt.II dated 23.10.90 was issued regularising the adhoc Promotions ordered in favour of Respondents Nos. 3, 4 and 5 as Artisan SK.III in scale Rs. 950-1500(RSRP) with effect from 3.6.88. The applicant's allegation that trade test was conducted on 25.10.90 and orders were issued on 24.10.90 is not correct. Actually the trade test was conducted on 25.10.90 for promotion to the post of Artisan skilled II in scale Rs. 1200-1800 (RSRP) and not for the Post of Artisan skilled III as stated by the applicant. The Respondents had been subjected to trade test on 5.5.88 for promotion as Artisan skilled III in scale Rs. 950-1500(RSRP). On Passing the trade test held on 25.10.90 for the post of Artisan skilled II in scale Rs. 1200-1800(RSRP) the respondents nos 3, 4 and 5 were promoted as Artisan skilled II in scale Rs. 1200-1800(RSRP) on 12.11.90.

From the above, it is quite clear that the applicant's statement that the trade test was held on 25.10.90 and orders were issued on 24.10.90 for the post of Artisan skilled III is not correct. It is further stated that this office has sent a detailed reply to the applicant vide letter No. CP/605/Selection/ELC'B'/TRD dated 24.10.97 covering all the points raised by the applicant in his representation dated 1.8.97.

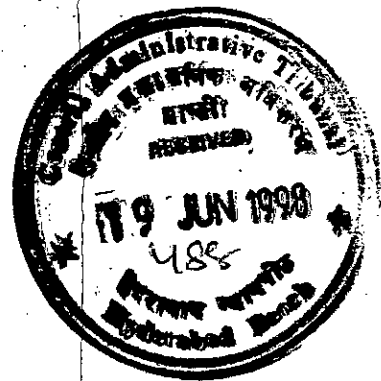
..8..


 Director
 S. C. Rly., Secunderabad
 Ass. Personnel Officer (BO)
 A. C. Rly., Secunderabad.


 वरि. मंडल कार्मिक अधिकारी
 दक्षिण मध्य रेलवे/सिकंदराबाद.
 Senior Divisional
 Personnel Officer, S.C. Divn.
 S. C. Rly., Secunderabad.

In the Central Administrative
Tribunal, Hyderabad.

OA No. 1471 of 97.



Reply Statement filed on
behalf of Respondents.

Filed by: D. Francis Paul,
SC for Rlys

D. Remo of appearance filed
Shil

Res
G. Subbarao
19.6.98

Address:

Copy filed
19.6.98

D. FRANCIS PAUL, B.A.B.L.I.B.T.S.,
Law Officer, S. C. Rly. (Retd.)
ADVOCATE
H.NO. 12-5-188/4/2/1, ROAD NO. 2,
Vijayapuri, South Lallaguda,
SECUNDERABAD - 500 017,

3. Para - VII : As stated above, the applicant was given Promotions as Truck Driver Skilled III, II and I with effect from 22.6.88, 30.7.91, and 1.3.93 respectively. The applicant has not come up within the field of consideration for selection to the posts of Electrical Chargeman 'B' and Master Crafts Man in scale Rs.1400-2300 (RSRP). Hence the application is not tenable as devoid of merit and the applicant is also not entitled to any relief prayed for.

In view of the foregoing, it is prayed that the Hon'ble Tribunal be pleased to dismiss the OA with costs.

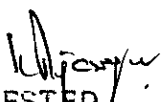

DEPONENTS.

बॉरि. मंडल कार्मिक अधिकारी
दक्षिण मध्य रेलवे, सिकंदराबाद.

Senior Divisional
Personnel Officer, S.C. Divn.
S. C. Ry. Secunderabad.

Sworn and signed on this
the 16th day of June 1998
at Secunderabad.

Before me.


ATTESTED.
C. N. (S. C. Ry. Secunderabad)
Asst. Personnel Officer (SG)
S. C. Ry. Secunderabad.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1471 of 1997

Between

M.Magendran

...

Applicant

and

Divisional Railway Manager(P),
South Central Railway, Secunderabad
B.G.Division, Secunderabad and
four others

...

Respondents

REJOINDER

I, M.Magendran, S/o V.Madhurai, aged 41 years,
Truck Driver Grade I, office of the Chief Traction Foreman/
TRD/GHE/Maintenance Depot, South Central Railway, Kazipet
having temporarily come down to Hyderabad hereby solemnly
affirm and state as follows.

1. I am the applicant herein and as such well acquainted
with the facts of the case.

2. I have filed the above in this Hon'ble Tribunal for
the correct assignment of seniority and also to conduct a
supplementary test for promotion to the post of Electrical
Chargeman 'B' and Master Craftsman in respect of which sele-
ctions were held and for setting aside the letter dated
and 15/24-10-97
27-6-97/ of the DRM/SCR/SC.

3. This Hon'ble Tribunal by its order dated ~~2-9-97~~ 5-11-97
that any promotion to be made to the post of Master Craftsman
and to the post of Junior Engineer conducted in pursuance of the
notification dated 14-8-97 and 10-7-97 is subject ~~next~~ outcome
in this O.A.

Conted..2.

- 2 -

4. The respondents filed a counter which does not disclosed the factual position. It is submitted that from the time the results of the trade test held on 14-4-88 and the posting orders given to Sri Ch.Sambasiva Rao and Sri A.Sambasiva Rao, on 4-5-88, I was discriminated and with a malafide intension for the reasons best known to the administration, my name was not included in the letter dated 4-5-88 eventhough I was trade tested for three vacancies along with Sri Ch. Sambasiva Rao and Sri A.Sambasiva Rao. After making several representations and the result of the P.N.M.Meeting held with the Organised Labour, the respondents have issued a letter stating that I was promoted in the scale of pay of Rs. 950-1500 w.e.f. 22-6-88 the date on which and the other two candidates were promoted.

Subsequently I was tradetested for HS II and HS I and was promoted on proforma basis, without giving me the monetary benefit. The averments of the respondents that there was no vacancy at that time is nothing but a misrepresentation of facts to the Hon'ble Tribunal. This rectification of my seniority was done after several representations causing me unwarranted hardship.

5. I made representations for assignment of correct seniority over respondents 3,4 and 5, and the Sr. Divil. Personnel Officer issued a letter to the respondents proposing to fix my seniority between S.No. 10 and 11. In the letter dated 24-10-97 I was advised that the letter dated 31-1-95 was only a proposal inviting representations against the proposed change. After examining my representation the respondents had come to the conclusion that my seniority has to be assigned between S.No. 10 and 11. But for which a letter to that effect would not have been issued. In the final reply that was given to me the reasons for suddenly changing the proposals regarding the assignment of seniority justifying the action taken by the respondents in fixing

my seniority below Sri Ch. Sambasiva Rao and M. Sambasiva Rao who were absorbed as Truck Drivers w.e.f. 22-6-88 in view of the fact I was shown as absorbed from 22-6-88 in which the mistake committed by the administration was rectified by not absorbing me from the same date.

6. It is submitted that the trade test was conducted on 14-4-88 in which we were found suitable. The absorption orders were given on 4-5-88.

7. The respondents 3, 4 and 5 were promoted on adhoc basis vide letter dated 3-6-88 in which it is mentioned that their promotion is purely on adhoc basis subject to the publication of ~~the~~ seniority. Now in the counter filed by the respondents it is stated that the respondents 3, 4, and 5 were promoted w.e.f. 3-6-88. It is also mentioned therein that they passed the trade test on 5-5-88. It is evident that the earlier panel of ours is 14-4-88 and according to rules the candidates empanelled earlier will be ranked seniors. The respondents are mainly responsible for not issuing regular posting orders on the same date viz 4-5-88 as was done in the case of respondents 3, 4 and 5. The same same DRM/SCR/SC issued both the orders dated 4-5-88 and 21-6-88. The orders promoting respondents 3, 4 and 5 were also issued by the same DRM/SCR/SC. In the order dated 3-6-88 the respondents were shown as having been promoted on adhoc basis and in the counter it is stated they were promoted from 3-6-88 on a regular basis which is contradictory. It is apperant from the above that ~~my~~ I was deliberately omitted from the posting orders issued absorbing me in HS III Scale. and after representation there was no escape for the respondents ~~to~~ except to state that I was absorbed with effect from 22-6-88 along with S/Sri Ch. and A. Sambasiva Rao.

contd..4.

48
No doubt my seniority has been fixed with reference to the date of absorption of Sri Ch and M. Sambasiva Rao. But seniority has not been fixed as proposed in the letter dated 31-1-95 and the reasons for unilaterally modifying the proposed seniority have not been spelt out either in the order dated 24-10-97 or in the counter affidavit. If S/Sri Ch.Sambasiva Rao and M.Sambasiva Rao have not ~~represented~~ been given seniority w.e.f. 4-5-88, the same mistake should not be committed in my case.

6. From the foregoing paras it is evident that the respondents with a malafide intension arbitrarily denied the seniority to me in order to confer undue benefit to the respondents 3, 4 and 5 which is a ~~xxx~~ clear case of discrimination of and violative of Article 14 and 16 of the Constitution. Uniform principle or standard is not applied with regard to the issue of adhoc promotion or absorption in the case of myself and the private respondents. As the orders are issued by the same Divisional Railway Manager in all our cases they cannot state that they are not aware of the factual position with regard to adhoc promotion and regularisation. We were absorbed as a result of trade test whereas the respondents were promoted on adhoc basis from 3-6-88 and as a rule adhoc promotion unless regularised will not give them seniority, irrespective of the period of adhoc promotion seniority counts only from the date of regularisation. When the respondents have been promoted from 3-6-88 on adhoc basis they are not entitled to seniority from the date of adhoc promotion and the seniority will count from the actual date of regularisation.

Conted...5

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

O.A.No. 1471 .. of 1997

Between

M.Magendran ...

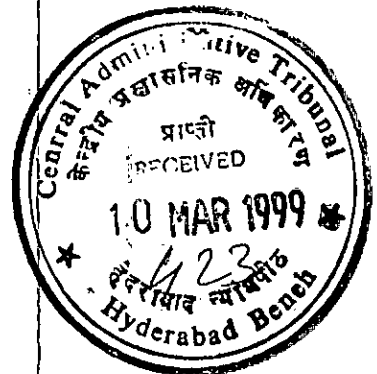
Applicant

and

DRM(P)/SCR/SC
BG Dn., Secunderabad
and others ...

Respondents

REJOINDER



Recd. by
for
Sri D.F. Paul

Filed by:

Sri G.V.Subha Rao,
Advocate,
1-1-230/33,
Chikkadapalli,
Hyderabad-500020.

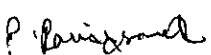
Counsel for Applicant.

May be filed
on
10/3/99

7. In view of the above facts and circumstances, it is submitted that our panel was published on 4-5-88 whereas as admittedly the panel of respondents 3,4 and 5 was published on 5-5-88, which by their own admission our panel is earlier to that of the respondents 3 4 and 5 irrespective of the posting orders given on different dates which discloses the facts that it was done with an intention to give the respondents 3 4 and 5 undue benefit. The contention of the respondents that we cannot claim seniority from 4-5-88 does not stand to reason. As I was promoted as a Master Craftsman in the subsequent examination, I should be given seniority above the respondents and my promotion has to be regulated from the date they were given assigning seniority over them with all consequential benefits.

8. In ~~the~~ view of the above facts and circumstances the O.A. may be allowed as prayed for.

Solemnly affirmed
and signed before me
on this the 6th day of
March, 1999 at Hyderabad.

Before me,

Advocate, Hyderabad.


DEPONENT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 1471/97

Date: 27.8.99

Between:

M. Magendran

.. Applicant

A N D

1. Divisional Railway Manager(P)
South Central Railway,
Secunderabad BG² Division,
Secunderabad.

2. Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.

3. J.G. Sudhakar, Linesman
C/o. CTFO/OHE/TRD
Maintenance Depot,
SC Rly. Dornakal.

4. SS Murthy, Lineman
C/o. CTFO/OHE/TRD,
Jammikunta.

5. Ch. Subba Rao, Lineman,
C/o. CTFO/OHE/TRD,
Maintenance Depot,
Kazipet.

.. Respondents

Counsel for the Applicant : Mr. N. Krishna Rao

Counsel for the Respondents: Mr. D.F. Paul

Coram:

Hon. Shri R. Rangarajan, Member (A)

Hon. Shri B.S. Jai Parameshwar, Member (J)



O R D E R
(Per Hon. Shri B.S. Jai Parameshwar, Member(J))

Heard Mr. BSA Satyanarayana for
learned counsel
Mr. N. Krishna Rao/for the Applicant and Mr. D.F.Paul
learned counsel for the respondents. Notices to
Respondent 3 to 5 served, called, absent.

2. The facts of the case are as under:
The Applicant was appointed as casual labour Driver
on 27-5-1979 in the Railway Electrification Organisation
at Bitragunta. Later he was given regular pay scale
of Rs.950-1500. He was appointed as HG-III Driver after
he passed the suitability test.

3. The Deputy Chief Electrical Engineer
Railway Electrification, Kazipet promoted him to
the scale of pay of Rs.1200-1800 w.e.f. 1-8-1988
on ad-hoc basis. The Divisional Railway Manager
vide his letter dt. 29-3-1988 directed the Applicant
to appear for the suitability test. He appeared for
the suitability test on 14-4-1988. He was empanelled
on 4-5-1988 for absorption against existing vacancies.
The said panel consisted of three candidates, viz.
1.Ch.Samba siva Rao, (2) M. Sambasiva Rao and (3)
the applicant. Immediately, the candidates at Sl.
No. 1 & 2 were posted whereas the applicant was
posted on 2-1-1990. The Applicant submits that the
delay in posting him was due to administrative reasons.

4. A seniority list of Drivers in the scale
of pay of Rs.950-1500 was published on 10-2-1992.
In the said list the name of the Applicant was at
Sl.No.168 with a remark that he was officiating Driver.
The Applicant submits that his placement in the
said seniority list was not correct.

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5. To set right the position of the Applicant in the seniority list he submitted a representation dt. 7-4-1992. Applicant submits that even the Union took up the matter in the PNM meeting. The respondents took a decision to revise the seniority position and consequently a letter dt. 31-1-1995 was circulated calling for objections if any for the proposed revision of seniority regarding placement of the Applicant. The proposal was to revise the seniority of the Applicant on the basis of his having passed the trade test on 4-5-1988 and provisionally decided to place him in between Sr.No.10, SreeRamulu LM III and above serial No. 11, Syed Nabi Saheb, LM III

6. The Divisional Electrical Engineer/TRD/Kazipet directed the applicant to be in readiness to appear for the trade test of Driver SK II in the scale of Rs.1200-1800 and SK.I in the scale of Rs.1320-2040. The AE/TRD/BKJ conducted the trade test on 21-11-1995. The Applicant submits that he was successful in the trade test. The DRM by his order dt. 18-1-96 promoted the Applicant to Driver SK II in the scale of Rs.1200-1800 on proforma basis w.e.f. 30-7-91 and to SK-I in the scale of Rs.1320-2640 from 1-3-93. However, the Applicant submits that his position in the seniority list was not indicated in the order dt. 18-1-96.

7. The Applicant submitted his representation dt. 27-4-1996 to the General Manager. He submitted another representation dt. 20-12-1996 to the DRM Secunderabad requesting to fix his seniority at proper place.

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8. The DRM as per his letter dt. 27-6-1997 advised the Applicant that his seniority ~~was fixed~~ in the cadre of Truck Driver was assigned w.e.f. 22.6.1988 and consequent on the revision of the seniority his promotion to SK II in the scale of pay of Rs.1200-1800 w.e.f. 30-7-91 and to SK Grade I in the scale of pay of Rs.1320-2040 was given w.e.f. 1-3-93, and accordingly his pay was refixed.

9. The Applicant submits that the respondents 3 to 5 were appointed on 23-8-80, 1-9-80 and 1-9-80 respectively. They were shown as Khalasi Helpers in the seniority list published by the DRM on 15-5-90. That they were promoted to Gr.III in the scale of pay of Rs.950-1500 w.e.f. 3-6-1988 as per the seniority list published on 1-10-90; that the DRM vide his letter dt. 3-6-88 indicated that the respondent No. 3 to 5 were promoted as HS.III Lineman in the scale of pay of Rs.950-1500 on adhoc basis. The applicant submits that even though their promotion was ^{on} adhoc basis they were treated as regularly promoted. The said three respondents were promoted to HS II in the scale of pay of Rs.1200-1800 w.e.f. 12-11-90. They were tested on 19-5-1991 and promoted to HS I w.e.f. 10-6-91.

10. The grievance of the Applicant is that the principles applied to the respondents 3 to 5 were not applied to his case. Further the respondents 3 to 5 passed the test on 3-6-88 whereas he had passed the test on 4-5-88. This was incorporated in the letter issued by DRM on 31-1-95.

11. Respondent No.1 issued notices on 10-7-1997 proposing to conduct selection to the

post of JD-II/ELC'B' in the scale of Rs.1400-2300 which was subsequently changed to 10-9-97.

Another notification to conduct selection to the post of Master Craftsman in the same scale of pay on 16-9-97 based upon the seniority of the Applicant in HS I which was not rectified inspite of the letter dt. 10-1-96 and 27-4-96 of the DRM(P) SC. The Applicant submits that his seniority has to be fixed above the respondents 3 to 5.

12. The Applicant submits that the DRM/P/ SC in his letter dt. 27-6-1997 has not correctly assigned his seniority except stating that his seniority was assigned w.e.f. 22-6-1988 in HS Gr.III. Thus the Applicant submits that his name was not included in the eligible list of candidates for consideration for the post of Junior Engineer'B' and Master Craftsman in the scale of Rs.1400-2300.

13. He further submits that he belongs to SC community and the respondents have not clarified how his seniority was determined against roster point.

14. The Applicant submitted a representation dt. 1-8-1997 immediately after ~~selection~~ notifications were issued for selection to the post of Junior Engineer/sc'B' and requested to postpone the proposed test till the disposal of the representation.

15. As there was no response from the respondents the applicant approached this Tribunal vide OA No. 1176/97 in the said OA the Applicant challenged the letter dt. 27-6-97 and the letters dt. 10-7-97 and 22-8-1997. The said OA was disposed of on 9-9-1997 with the following directions.

"In the meantime the selections for the post of Master Craftsman and Junior Engineer Gr.II had already been programmed. It would be unfair to stop the selection proceedings in the last minute. Hence we are of the opinion that the selection proceedings should be conducted as scheduled. But the results of the selection proceedings should not be finalised until the representation of the applicant dt. 1-8-1997 is disposed of. If on the basis of the consideration of his representation dt. 1-8-97 the applicant is also found eligible for consideration to the above said post of Master Craftsman and Junior Engineer Gr.II he should also be examined by conducting a supplementary selection and on the basis of that selection his name should be interpolated at the appropriate place in the final selection list if he qualifies in the supplementary selection."

16. The Applicant submits that the respondents by their impugned letter dt. 15/24-10-1997 rejected the Applicant's representation dt. 1-8-1997 and repeated the earlier letter dt. 27-6-97 without properly applying their mind to the various points raised in his application.

17. He submits that the trade test will be conducted according to the establishment rules against vacancies and the concerned employees have to be regularised against the vacancies from the date of empanelment. Thus he submits that when he was empanelled along with two others on 4.5.88 he should have been given seniority from that date.

18. The grievance of the Applicant is that respondents 3 to 5 were promoted on adhoc basis as per letter dt. 3-6-88 but they were considered as regular promotee as Lineman Skilled Grade III. He submits that trade test was conducted subsequently. Hence he has filed this OA for the following reliefs:

"to call for the records pertaining to the seniority of the applicant vis-a-vis the respondents 3, 4 and 5 herein and direct the respondents to assign the correct seniority for him over the respondents 3, 4 and 5 herein taking into account the date of passing the trade test i.e. 24-5-1988 for the existing vacancies as on that date in that against the quota for SCs or as per merit order and also the date of appointment of the applicant and regulate his promotion to the Grade of HS II and HS I according to the trade test held with all consequential benefits such as arrears of salary etc., directing the respondents to conduct a supplementary test for promotion to the post of Electrical Chargeman 'B' and Master Craftsman in respect of which the selection were held on the due dates as notified in the letter dated 14-8-97 and 10-7-97 of the Divisional Railway Manager, Secunderabad by setting aside the DRM(P)SC letter No.CP/605/ Selection/ELC'B'/TRD dt. 15/24-10-97 and CP/676/OHE/ANG/TRD dt. 27-6-97."

19. The Respondents have filed reply stating that the Applicant was initially appointed as Casual Mazdoor Khalasi on 21-4-1984 in the Railway Electrification Organisation. He was given temporary status as Casual Monthly Rated Driver in the scale of Rs.950-1500 from 26-8-85. He was promoted on adhoc basis as Casual Monthly Rated Driver skilled-II in the scale of

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Rs.1200-1800 w.e.f. 1-8-1988. Applicant along with two other casual labour Drivers of the Organisation were trade tested 11-4-1988 for the post of Truck Driver Skilled-III in the scale of pay of Rs.950-1500 ^{in the panel} (RSRP). The first two employees ~~were~~ absorbed as Truck Drivers of the organisation w.e.f. 22-6-1988. The Applicant could not be ~~xxx~~ absorbed along with other two employees for want of vacancies. However, he was posted as Tractor Driver Skilled III in the scale of Rs.950-1500 w.e.f. 2-1-90 on adhoc basis. They submit that even though the Applicant was ^{in TRD organisation - not} absorbed ~~w.e.f.~~ 2-1-90 he was ~~assigned~~ seniority as Truck Driver SK III w.e.f. 2-1-90 pending finalisation of seniority issue of the staff already serving in TRD organisation. However, he was allowed to continue as Truck Driver Skilled III purely on adhoc basis with all monetary benefits admissible to the post of Truck Driver Skilled Grade III in the scale of Rs.950-1500(RSRP). The Applicant was thus not put to any financial loss. On representation, his appeal for fixation of seniority was considered by the competent authority and it was decided to assign him seniority on par with the other two staff along with whom he was trade tested. It was clearly stated in the letter dt. 27-6-97 that the letter dt. 31-1-95 was issued only to consider the proposal for revision of seniority and it was not a final order. After considering the representations received from other officials the respondents felt no need to revise the seniority of the applicant. After conducting the regular trade test the applicant was promoted as Truck Driver Skilled II in the scale of Rs.1200-1800 (RSRP) w.e.f. 30-7-1991 and he was promoted as Truck Driver skilled I in the scale of Rs.1320-2040(RSRP) w.e.f. 1-3-1993.

20. The claim of the Applicant to fix his seniority w.e.f. 4-5-88 is not admissible for the reason that seniority will not be assigned from the date of declaration of the trade test results. However, he was assigned seniority as Truck Driver Skilled III w.e.f. 22-6-1988 i.e. from the date the other two staff were absorbed. The Applicant's representation dt. 20-12-1996 was replied vide letter dt. 27-6-97. The decision to assign the seniority in the cadre of Truck Driver Skilled III w.e.f. 22-6-88 was communicated by letter dt. 24-5-95. The same aspect has been repeatedly stated in the letter dt. 27-6-97.

21. The respondents 3 to 5 were already working in TRD organisation as Group'D' employees before the applicant was absorbed in TRD organisation. All the three respondents were promoted as Artisan Skilled III in the scale of Rs.950-1500 w.e.f. 3-6-88 as per their seniority position in Group'D' category. They were promoted against 50% promotional quota.

22. They submit that TRD organisation (a) establishment being new/during late 80's, the staff were promoted from one category to another category on adhoc basis in order to avoid seniority dispute. However, the promotions ordered on adhoc basis were regularised after establishment of TRD organisation. The three respondents 3 to 5 were promoted as Artisans Skilled-I in scale Rs.1320-2040 w.e.f. 10-6-92 and not on 10-6-96 as stated in the OA. They were promoted as Artisan Gr. II in the scale of Rs.1200-1800 w.e.f. 12-11-90 after qualifying in the requisite trade test and further promoted as Artisan SK-I in the scale of Rs.1320-2040 w.e.f. 10-6-92 and not on 10-6-91 as stated in the OA.

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They submit that the respondents 3 to 5 were promoted only after having qualified in the trade test.

23. The Applicant was absorbed in TRD organisation against 25% direct recruitment quota whereas the respondents 3 to 5 were promoted as Artisans Skilled III against 50% promotional quota. When the candidates from different sources are appointed their seniority should be decided in terms of Rule 302 of Indian Railway Establishment Manual which reads as below :

"Unless specifically stated otherwise, the seniority among the incumbents of a post in a grade is governed by the date of appointment to the grade."

Hence the applicant cannot claim seniority over the respondents 3 to 5 even though trade test was held earlier to the applicant than the respondents. The applicant was assigned seniority as Truck Driver Skilled III w.e.f. 22-6-88. Whereas he had actually joined TRD organisation on 2-1-90. The Applicant was assigned the seniority from 22-6-88 the date on which the other two employees who were empanelled along with applicant ^{were} absorbed in the Railway Electrification Organisation. Hence it cannot be said that he was not assigned seniority from the date the other two staff were absorbed. As per the seniority assigned to the Applicant as Truck Driver Skilled-I w.e.f. 1-3-93 he had not come up in the field of eligibility to be called for the selection to the post of Electrical Chargeman 'B' and Master Craftsman in the pay scale of Rs.1400-2300. This has been clearly notified to the Applicant vide the impugned letter

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dated 24-10-1997. They further submit that sufficient representation of staff belonging to reserved community was available in the categories of Truck Drivers Skilled III, Skilled II and Skilled I in TRD organisation. Hence no reservation was admissible to Scheduled Caste community. As per the direction of the C.A.T. in OA 1176/97 a detailed reply was sent to the Applicant dt. 24-10-1997 while disposing of the representation of the applicant dt. 1-8-97. Thus the applicant was not within the zone of consideration for selection to the post of Electrical Chargeman 'B'/Master Craftsman. The respondents therefore pray for the dismissal of the OA.

24. The Applicant has filed rejoinder. His grievance is that he was not promoted along with two others who were empanelled on 4-5-88. The Applicant submits that he was not promoted due to administrative reasons whereas the respondents submit that there was no vacancy. Further they submit that the two officials who were empanelled ~~employees~~ alongwith the applicant were absorbed as Truck Drivers w.e.f. 22-6-88. Considering these factors ~~fact~~ the applicant was also given the same seniority w.e.f. 22-6-88.

25. They submit that the letter dt. 31-1-1995 inviting objections for the proposed revision of seniority of the applicant was only a provisional one and they failed to spelt out the reasons for modifying the same in the order dt. 24-10-97.

Dr

26. The respondents 3 to 5 were promoted on adhoc basis from 3-6-88. They were regularised earlier to the regularisation of the Applicant. When that is so, the applicant cannot claim seniority over the respondents 3 to 5. Further the applicant was absorbed against 25% direct recruitment quota whereas the respondents 3 to 5 were promoted as Artisan SK.III against 50% direct recruitment quota. Therefore the channel of absorption of the applicant and the Respondents 3 to 5 was different. Further the respondents have relied upon Rule 302 of IREM to fix the seniority.

27. Another contention raised by the Applicant that he belonged to reserved community and the respondents have not replied about the roster point, the respondents have stated in para 13 of the reply that there were sufficient representation of the staff belonged to SC category in Truck Drivers- SK III, II and I respectively. When that was so, there was no reason for providing any benefit to the Applicant as he belonged to SC community. The Respondents submit that letter dt. 31-1-95 was given only provisionally to consider whether the applicant could be included between Sr.No.10 and 11 in the seniority list and after considering the representation approved the proposal. Further they submit that there were sufficient representations in the organisation.


28. Considering these, facts the seniority of the applicant has been fixed in accordance with Rule 302 of the IREM(extracted above).

29. The respondents submit that the applicant was not within the zone of consideration for promotion to the post of Electrical Chargeman 'B' / Master Craftsman.


30. Considering all these facts and also the averments made in the application, reply and rejoinder we are of the opinion that there is no need to interfere with the letters dt. 27-6-97 and 24-10-97. The respondents 1 and 2 have explained the position available from the records, the seniority position of the applicant and his eligibility for consideration for promotion to the post of Electrical Chargeman 'B'/Master Craftsman.


31. The respondents have categorically stated that the respondents 3 to 5 are senior to the Applicant; they were absorbed in the organisation against 50% promotional quota. When the date of absorption of the respondents 3 to 5 and the applicant is different as also the channel of absorption the applicant cannot claim seniority over the respondents 3 to 5.

32. For the reasons stated above we find no merit in the OA. The OA is accordingly dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
27.8.99

MD


(R. RANGARAJAN)
Member (A)


20.8.99

COPY TO:-

1. HDHND
2. HARN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1st AND II nd 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. R. RANGARAJAN
MEMBER (ADMN)

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

ORDER DATE: 27/8/99

MA/RA/CP.NO
IN
DA.NO. 1471/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 9 SEP 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH

FAIR LIST CASE
IN THE CAT Hyderabad Bench
at Hyderabad

OA 1471 V 1987

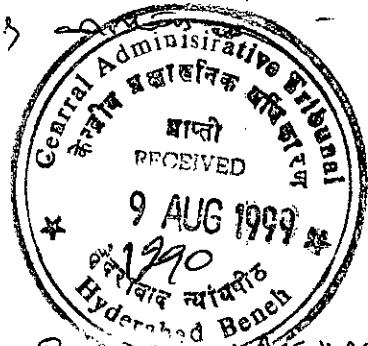
Delivered

M. MAHENDRAN . . . APPLICANT
And

DR. K. Mangar

Secy

Respondent



MEMO FILED ON 09.08.99

APPLICANT

FILED ON: 9.8.99

FILED BY B.SA. SATHANARAYAN

So (rel.) may kindly see
or necessary action

11/8/99

ADDRESS

B.SA. SATHANARAYAN

2.2.112/13 E Okhambli

Hyderabad. 500 44

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD BENCH

OA 1271 of 1997

Between:

M. MACHENDRAN

APPLICANT

AND

Dr. Mangar S. R. by

Dr. L. S. S. S. S. S.

Respondents

MEMO FILED ON BEHALF OF THE APPLICANT

It is submitted that the Applicant had received personal notice to R-3 Mr. J. G. Sathakam, Line man, C/O CTRO/CHP/ITRO MTC & Defor S. R. by Document on 1-7-99, stating to case for order on S. P. R. The Applicant has been to R-3 is receiving as a part of the same and there is being filed later 15. In answer, notice placed at the Applicant. The same might be taken as record.

Date 7.8.99

By _____

(BSA SATYANARAYANA)

For N. KRISHNA RAO

Counsel for Applicant

Whereas an application filed by the above named applicant under section 19 of the Administrative Tribunals Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a Legal practitioner presenting Officer in this matter at 10-30 A.M. of the Twentyninth day of July, 1999 to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and the seal of this Tribunal, this the First day of July, 1999.

BY ORDER OF THE TRIBUNAL//

Date: 5.7.99



FOR REGISTRAR.

FORM NO.8
(See Rule29)

BY.R.P.A.D.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH AT HYDERABAD.
1st Floor, HACA Bhavan, Opp.Public Gardens,Hyderabad-500 004 A.P.

ORIGINAL APPLICATION NO. 1471 OF 1999

Applicant(S) M. ~~M~~ Nagendran

V/S Respondent(S)
DRM, S.C.Rly, Sec'bad & Ors.

Represented by
Advocate Sri.N.Krishna Rao

Represented by Central Govt.Standing
Counsel.

TO.

Sri.D.Francis Paul, SC for Rlys.

R-3. J.G.Sudhakar, Line, C/o CTFO/OHE/TRD, Maintenance
Depot, South Central Railway, Dornakal.

P.T.O.

Handwritten:
R-3
1 new
24/10/99

IN THE COURT OF THE CENTRAL ADMINISTRATIVE TRIBUNAL
U.O. No. 1471/97

Noted:

Dt. of order: 5.11.97.

M. Hooperian

...Applicant.

And

1. Divisional Railway Engineer, (P), South Central Railway, Secunderabad S.O. Division, Secunderabad.
2. Chief Personnel Officer, South Central Railway, Villupattur, Secunderabad.
3. J.O. Sudhakar
4. S.O. Murthy
5. Ch. Subba Rao

...Respondents.

Counsel for the applicant : Mr. G.V. Subba Rao

Counsel for the respondents : Mr. D.V. Paul

Case No.

The applicant's Petition No. 1471/97

The respondents' Petition No. 1472/97

The Tribunal is hereby constituted as follows:

Mr. G.V. Subba Rao for the applicant and Mr. D.V. Paul, for the respondents.

Admit. expedite.

Any promotion to be made to the post of Master Craftsman and to the post of Junior Engineer II (Mechanical) / 4200/JM which was conducted in pursuance of the notification No. CP/676/MH/THD/1, dt. 14.8.97 (A.2) and notification No. CP/602/selection/MCH/THD dt. 10.7.97 (A.3) is subject to the outcome in this OR. This has to be mentioned in all the routing orders to be issued for the above post.



प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
स्वागतिक अधिकारी एवं रजिस्ट्रार (स्वागतिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद ब्याचपॉठ
HYDERABAD BENCH

36/- X X
DEPUTY REGISTRAR (J)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HAC Bhavan, Opp:Public Garden, Hyderabad.500004.A.P.

ORIGINAL APPLICATION NO. 1471. OF 1997.

Applicant(s)

V/S

Respondent(s)

M. Nagendran.
By Advocate Shri
G.V. Subba Rao.

The Divl. Ry Manager (P), S.C. Ry.
Sec'bad. & others.
(By/Central Govt. Standing Counsel)

To.

Mr. D.P. Paul, SC for Ry.

1. The Divisional Railway Manager (P), South Central Railway, Secunderabad S.C. Division, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilaya, Secunderabad.
3. Shri S.G. Sudhakar Lineman, C/o CTCO/OME/TED, Maintenance Depot, South Central Railway, Dornakal.
4. S.S. Murthy, Lineman, C/o CTCO/OME/TED, Jeemikunta.
5. Ch. Subba Rao, Lineman C/o CTCO/OME/TED, Maintenance Depot, Kasipet.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

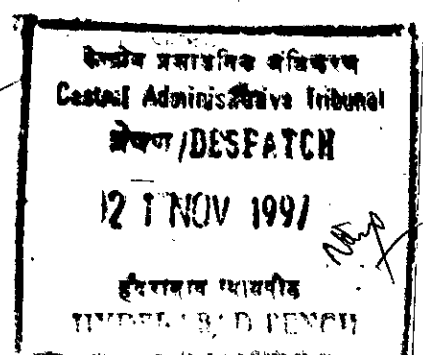
Issued under my hand and the seal of the Tribunal

This the Fifth day of . . . November, . . . 1997.

//BY ORDER OF THE TRIBUNAL//

Date: 13-11-97.

FOR REGISTRAR.



S.R. No

STRICT

Central Administrative Tribunal

Hyderabad Bench

Hyderabad

VAKALAT

IN

O.A. No.

of 19

ACCEPTED

G. V. Subba Rao

Sri G. V. SUBBA RAO

Advocates for

APPLICANT
RESPONDENT
PETITIONER

Address for Service of the said Advocate is :

G. V. SUBBA RAO M.A., LL.M.
ADVOCATE

1-1-230/33, Jyothi Bhavan
Chikkadpally, Hyderabad - 500 020

(51)

**In the Central Administrative Tribunal,
Hyderabad Bench, Hyderabad**

O.A. No. 1471 of 1997

M. Magendran

Applicant

VERSUS

Dr. Vidarail Railways
SChly, Bg Secunderabad
Aut 40/10/95

Respondent

I/We

Applicant

Respondent

In the above Petition do hereby appoint and retain

Sri G. V. SUBBA RAO



Advocate's of the High Court to appear for me / us in the above Petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all application for return of documents or the receipt or any money that may be payable to me / us in the said Appeal/Petition and also to appear in all application under Clause XV of the Letters Patent and in all applications for review and for leave to the Supreme Court of India.

M. Magendran

I Certify that the contents of this VAKALAT were read out and explained in English and Telugu _____ in my presence to the executants who appeared perfectly to understand the same and made his/her/their signature of mark in my presence.

Executed before me this 4th day of November 1997

Z. K. S. Gumpalan.
Advocate, Hyderabad