

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1696 of 1997

DATE OF ORDER: 16th APRIL, 1999

BETWEEN:

N.S.JAWAD HUSSAIN .. APPLICANT

AND

1. Union of India, rep. by the
General Manager,
S.C.Railway,
Secunderabad,
 2. The Deputy chief Mechanical Engineer,
Carriage Repair Shop,
S.C.Railway,
Tirupathi,
 3. The Workshop Personnel Officer,
S.C.Railway, CRS,
Tirupathi,
 4. A.ARUL KUMAR,
 5. K.S.VINOD BABU,
 6. N.JAYA CHANDRA REDDY,
 7. M.VIJAYARAGHAVULU,
 8. T.NAGARAJU,
 9. A.MUNIVELU,
 10. P.CHANDRAMOULI,
 11. M.VENKATESAN,
 12. P.NATARAJAN,
 13. D.CHINNA RANGAIAH.
- .. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.P.NAVEEN RAO

COUNSEL FOR THE RESPONDENTS: Mr.K.SIVA REDDY for R-1 to R-3

Mr.S.RAMAKRISHNA RAO FOR R-4
to R-13

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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

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JUDGEMENT

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

Herd Mr.P.Naveen Rao, learned counsel for the applicant, Mr.K.Siva Reddy, learned standing counsel for the official respondents and Mr.S.Ramakrishna Rao, learned counsel for the private respondents.

2. The applicant in this OA was initially appointed as Skilled Grade.III on 30.12.85 through open market under direct recruitment quota in Electrical/Diesel/GTC of Guntakal Division. On his request, he was transferred to Carriage Repair Shop, Tirupathi Division on 28.1.92.

3. The applicant in this OA contends that the seniority list circulated in letter No. TR/P/612/Elec/Art/TL/Vol.II dated 9.5.97 issued by R-2 herein is erroneous in that he has been shown junior to the private respondents and he prays that he should be shown above them in the seniority list issued by the letter dated 9.5.97.

4. This OA is filed to set-aside the proceedings in letter No.TR/P/612/Elec/ART/TL/Vol.II, dated 9.5.97 of R-2 herein and for a consequential direction to the respondents to protect seniority of the applicant herein and continue the applicant to Skilled Gr.II with all consequential benefits.

5. No reply has been filed by the official respondents. However, private respondents have filed their reply.

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D

6. It is presumed that the respondents have not filed reply on the ground that the reply in OA 647/97 is to be treated as the reply in this OA. But if such a view is taken, it is erroneous on the part of the respondents.


7. The applicant herein was a direct recruit appointed in Guntakal Division as Skilled Gr.III on 30.12.85. He came on request transfer to Carriage Repair Shop, Tirupathi in the same grade and joined in CRS, Tirupathi on 28.1.92. The question of request transfer is an admitted fact. Hence when an employee is transferred to other seniority unit on request transfer, his seniority will be fixed below all the promotees and direct recruitees in the Skilled Gr.III in the transferred seniority unit on the date of his joining the other unit. Above rule is in accordance with the provisions of ^{the} IREM. Hence the case of the applicant herein has no similarity in the case of the applicants in OA 647/97 and also has no relevance to fix his seniority in accordance with the judgement in OA 873/92. The applicant having joined the Carriage Repair Shop, Tirupathi on 28.1.92, his seniority in the Skilled Gr.III is to be reckoned in Carriage Repair Shop, Tirupathi below that of the Skilled Gr.III employees in that unit who are in position as on 28.1.92. Hence the applicants in OA 873/92 and the private respondents who are direct recruits in OA 873/92 having been placed in Skilled Gr.III in Carriage Repair Shop, Train Lighting Wing, Tirupathi earlier to 28.1.92, the applicant can have no reason to question the seniority assigned to him below that of the private respondents herein. Hence it has to be held that this OA has no merits to grant any relief.

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8. In view of what is stated above,, the OA is dismissed as having no merits. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDGE.)
16/4/99


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED : 16th APRIL, 1999


T. V. S. N.

vsn

M/S Application filed 6/2/80, SCAT Bolundh N/A 12/82
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD.

M.A.No. 137 of 1998

IN

O.A.No. 1696 of 1997

Between:-

N.S.Jawad Hussain

.... Applicant/
Applicant

A N D

- (1) Union of India, represented by the General Manager, S.C.Railway, Rail Nilayam, Secunderabad.
- (2) The Deputy Chief Mechanical Engineer, Carriage Repair Shop, S.C.Rly, Tirupathi-517 501.
- (3) Workshop Personnel Officer, S.C.Rly, Carriage Repair Workshop, Tirupathi-517 501.
- (4) A.Arul Kumar S/o.E.Shanamugam, aged 36 years, working as Train Lighting Fitter Gr.II, R/o.75 C, East Colony, Railway Quarters, Renigunta-517 520.
- (5) K.S.Vinod Babu S/o.K.J.Sundaram, aged 42 years, working as Train Lighting Fitter Gr.II, R/o.Balaji Colony, Tirupathi.
- (6) N.Jaya Chandra Reddy S/o.N.Venkata Reddy, aged 38 years, working as Train Lighting Fitter Gr.II, R/o.Panchalinagar, Renigunta-517 520.
- (7) M.Vijayaraghavulu S/o.P.J.Manavalla Chettiar, aged 46 years, working as Train Lighting Fitter Gr.II R/o.Near ZP High School, Renigunta-517 520.
- (8) T.Nagaraju S/o.T.Ankaiah, aged 44 years, working as Train Lighting Fitter Gr.II, R/o.7-22, Ramakrishnapuram, Near APSEB Sub Station, Renigunta-517 520.
- (9) A.Munivelu S/o.K.Armugam, aged 46 years, working as Train Lighting Fitter Gr.I, R/o.Pathnikulam Street, Near Check Post, Renigunta-517 520.
- (10) P.Chandramouli S/o.P.Lakshmaiah, aged 36 years, working as Train Lighting Fitter Gr.II, R/o.1-4-950, Kummarithopu, Tirupathi.
- (11) M.Venkatesan S/o.Munuswamy, aged 38 years, working as Train Lighting Fitter Gr.II, R/o.4-11-5, Near Gangamma Temple, Renigunta-51 7 520.
- (12) P.Natarajan S/o.K.Perumal, aged 43 years, working as Training Lighting Fitter Gr.I, R/o.Annai Nagar, Near Check Post, Renigunta-517 520.
- (13) D.Chinna Rangaiah, S/o.D.Rangaiah, aged 36 years, working as Train Lighting Fitter Gr.I, R/o.Panchalinagar, Renigunta-517 520.

.... Respondents/Proposed
respondents 4 to 13 in the O.A

BRIEF FACTS LEADING TO THE APPLICATION:

The applicant is seeking to question the alteration of the seniority to his detriment consequent upon the directions issued by the Hon'ble Tribunal in O.A.873 of 1992

Contd... 2

All the applicants in the above O.A. were juniors to this applicant but on account of the revision of seniority consequent to the judgement they are shown above the applicant. The applicant was not a party to the said judgement. When the above O.A.1696 of 1997 was listed for admission the Hon'ble Tribunal directed the applicant to implead such of those persons who are likely to be affected if the applicant succeeds in the present O.A. In the circumstances and in order to have a proper adjudication of matter in the issue the applicants intends to seek to implead respondents 4 to 13 herein as respondents 4 to 13 in the O.A. so that the party respondents are now proposed to be impleaded herein may have an opportunity to contest the matter as per their claim. In the circumstances the Hon'ble Tribunal may be pleased to permit the applicant to implead the respondents 4 to 13 herein as respondents 4 to 13 in the O.A. and cause notice to the said respondents.

P R A Y E R:-

It is therefore prayed that the Hon'ble Tribunal in the interest of justice may be pleased to permit the applicant to implead respondents 4 to 13 herein as respondents 4 to 13 in the O.A. and cause notice to the respondents 4 to 13 and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

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

I, N.S.Jawad Hussain, S/o.N.S.Md.Hussain, aged about 30 years, Train Lighting Fitter Gr.II, Carriage Repair Shop, S.C. Rlys, Tirupathi, A.P., do hereby verify that the contents of this M.A. are true and correct to the best of my knowledge and belief and that I have not suppressed any material facts.

(COUNSEL FOR THE APPLICANT).
Hyderabad, To
Dt.3.2.98 The Registrar,
Central Administrative
Tribunal, Hyderabad Bench,
Hyderabad.

(SIGNATURE OF THE APPLICANT)

270 NO 8609872 25/5 } M 40/- 18.40/- A
8609889 25/5 }
I.P.O. B.C.D. D. Remov

Returned

① Info for R 407 408 furnished

② MA copies & OA copies are to be filed.

③ MA needs to be served on the other side.

④ Rule provision to be noted.

⑤ cover sheet-cards

11.2.98

14 day time

Completed with

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CHITTOOR DISTRICT

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

M.A.No. OF 1998

IN

O.A.No.1696 OF 1997



"IMPLEAD PETITION"

20/2/98

Filed on:- 3.2.1998.

Filed by:-

Sri.P.Naveen Rao,
Sri.P.Kishore Rao,
Sri.K.Phani Raj, Advocates,
H.No.1-1-729, Gandhinagar,
Hyderabad-500 080.

(COUNSEL FOR THE APPLICANT).

20/2/98

9/2