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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW APPLICATION NO.85 of 1999
IN
ORIGINAL APPLICATION NO.871 of 1999

DATE OF JUDGMENT: 4th FEBRUARY, 2000

BETWEEN:

R.SURENDRA .. APPLICANT

AND

1. The General Manager (rep. UOI),
South Central Railway,
Secunderabad-71,
2. The Chief Personnel Officer,
S.C.Railway,
Secunderabad,
3. The Chief Electrical Engineer,
S.C.Railway,
Secunderabad,
4. The Dy.Chief Electrical Engineer (Workshop),
Lallaguda, S.C.Railway,
Secunderabad,
5. Shri S.Narasing Rao. .. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Adl.CGSC

CORAM:

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

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

ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in the OA has filed this R.A. for reviewing the judgment.

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3. The main contention of the applicant in the R.A. is that the interse seniority for promotion to the post of Apprentice Mechanic should be decided purely on the basis of seniority in the Skilled Gr.III cadre provided they obtain 60% of the marks in the selection examination. For this, he appears to rely on the judgment of the Apex Court and the Tribunals.

4. Before we examine this case, rule position has to be made clear. The rule position is embodied in para 320 of IREM-Vol.I; 1989 Edition. This para reads as below:-

"When a post (Selection as well as non-selection) is filled by considering staff of different seniority units, the total length of continuous service in the same or equivalent grade held by the employees shall be the determining factor for assigning inter-se-seniority irrespective of the date of confirmation of an employee with lesser length of continuous service as compared to another un-confirmed employee with longer length of continuous service. This is subject to proviso that only non-fortuitous service should be taken into account for this purpose."

5. The respondents in the reply have clearly stated on the basis of the rule position that integrity seniority

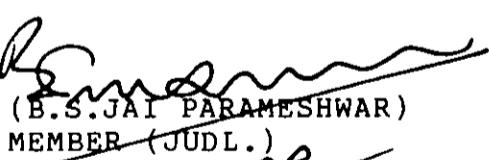
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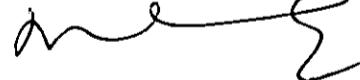
as a procedure should be kept as Skilled Gr.I first, then Skilled Gr.II and Skilled Gr.III and it was mentioned in the notification that the seniority of Skilled Gr.III will be taken into account for consideration for selection in question. Skilled Gr.III was the minimum qualification to appear in the examination.

6. The above illustration of the rule by the respondents is in accordance with the provisions in IREM. The applicant is a Skilled Gr.III whereas R-5 is in Skilled Gr.II. Even if both acquired the qualifying marks, those in the higher grade will rank senior to those in the lower grade. R-5 being in higher Skilled Gr.II in the integrity seniority list for promotion to the post of Apprentice Mechanic, he will rank senior to the applicant who is in the Skilled Gr.III.

7. The applicant had scored less marks than R-5 and R-5 is also senior to the applicant as he is in Skilled Gr.II. Hence there is no need to review the orders in the OA. Hence the R.A. is dismissed. No order as to costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

4.2.00


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 4th FEBRUARY, 2000
Dictated in the open court.