

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

O.A. No.616/99.

Date of Order: 27-02-2001.

Between :

G. Ravichandran,
S/o A. Ganeshan,
aged 38 years, Grade II,
O/o S S E, PM,
Carriage Repair Workshop,
Tirupati.

.. Applicant

A n d

1. Union of India, represented by
the General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.

2. The Deputy Chief Mechanical Engineer,
Carriage Repair Workshop,
South Central Railway,
Tirupati.

3. Workshop Personnel Officer,
Carriage Repair Workshop,
South Central Railway,
Tirupati.

.. Respondents

Counsel for Applicant : Mr. Krishna Devan

Counsel for Respondents : Mr. K. Narahari, AGSC
Mr.S.Ramakrishna Rao
(For Respondents 4 & 5).

CORAM :

The Honourable Mr. Justice V.Rajagopala Reddy, Vice-Chairman

The Honourable Mr. M.V. Natarajan, Member (Admn.)

Contd ... 2.

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O R D E R.M.V.NATARAJAN, MEMBER(A) :

1. Sri G. Ravi Chandran, the applicant herein, has filed this O.A. seeking the following reliefs :

(i) To call for the records relating to 3rd respondent letters dt.23-10-96 and 24-10-98 (Annex-4 & 11).

(ii) To direct the respondents to show the applicant at the appropriate place by revising the inter-se seniority between DRs and promotees by following the principle of 1:1 ratio and to show the applicant above the place of seniority given to the candidates referred to in the letter dated 24-10-98 in the interest of equity and protection of seniority, by holding that the action of the respondents in promoting the 3 juniors to the applicant to Grade-II & also Grade-I and refusing to revise the inter-se seniority between DRs and promotees to uphold the claim of the applicant who is entitled to be shown below Ajay Babu Sl.No.10 in the revised seniority list as arbitrary, discriminatory and illegal being violative of Article 14, 16 & 21 of the Constitution of India.

2. According to the applicant, he was engaged as a casual labourer in the Electrical Department in the Carriage Repair Workshop, Tirupati Wing on 19-8-1982 and acquired temporary status on 19-8-1984 and the services of the applicant were later regularised on 27-5-1988. Subsequently he was engaged as a Semi-skilled labourer and promoted to Skilled Artisan Grade III from 3-9-1992 and to Grade II on 24-9-1994 where he was rendering blemishless service to the Department.

3. The grievance of the applicant is that the representation submitted by him on 15-10-1997 followed by reminders dated 22-3-1998 and 11-2-1999 have not been acted upon by the respondents. Hence this O.A.

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The applicant has drawn our attention to the judgments passed by this Tribunal in OA Nos. 873/92 dated 17-10-1995 and 859/91 dated 23-6-1993 where he was not a party.

4. We have heard the learned counsel on either side at length and also perused the reply statement and the rejoinder affidavit filed.

5. It is seen from the reply statement that the respondents are maintaining two separate seniority lists for Train Lighting Wing and the Power Maintenance Wing in the Electrical Department. At the time of considering the case of the applicant for promotion to the Semi-skilled category in the Electrical Department, the applicant was asked to exercise his option whether he was willing to remain in the Training Light Wing or to go to the Power Maintenance Wing and the applicant had exercised his option to work for Power Maintenance Wing and accordingly he ^{had opted} ~~was~~ posted to Power Maintenance Wing on 4-4-1989 wherein he progressed his career to reach the Skilled Artisan Grade II Category. The Tribunal's direction in OA 873/92 referred to by the applicant was to review the seniority of the staff of Train Lighting Wing from which the applicant had opted out for Power Maintenance Wing on 4-4-1989.

6. The respondents' case is that once an employee enters into a trade by submitting an option while working as Unskilled Khalasi, his seniority will be maintained in that particular trade to which he has opted and his career progression will be in that trade only. However, the name of the applicant had been incorporated in the seniority list while implementing the directions issued by this Tribunal in OA No.873/92 applicable to the Train Lighting Wing as the figure of Direct recruits/ promotees available in the Workshop at that point of time mentioned in the order of this

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Tribunal was not correct.

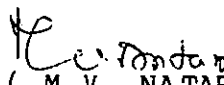
7. The dates of entries of Sri T. Muniratnam, Sri Tilak Kumar Babu and Sri Badruddin Basha on their joining the Workshop as Unskilled Khalasi being 10-3-1986, 24-11-1986 and 18-4-1987 and were promoted as Khalasi Helpers on 6-8-1987 and 23-9-1988 respectively. They got into Grade III on 18-4-1992, 18-4-1992 and 16-7-1992. In OA 859/91, this Tribunal had ordered retrospective promotion to them from 6-6-1990 and 29-3-1991 respectively. The present applicant was not a party in OA 859/91.

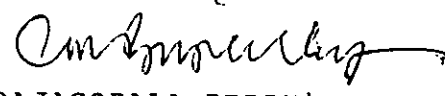
8. The respondents have pointed out that the applicant is junior to them as his regularisation was done after screening in terms of letter No. TR/P/407/Elec/Screening dated 27-5-1988.

9. We have considered the facts of the case and the arguments put forth before us. The applicant herein having exercised his option on 4-4-1989 to get into the Power Maintenance Wing declaring that he shall not seek change of group at a later date, and appear for trade test only in Power Maintenance Group, and having progressed his career in that Group, it is not open to the applicant to pray that his name should be shown in the Train Lighting Wing as well. We have also seen that the contention of the applicant that the benefit extended to Sri A. Venkataramanaidu should be extended to him cannot be acceded to as the latter belongs to Train Lighting Wing whereas the applicant belongs to Power Maintenance Wing. O.A.No.873/92 had specifically dealt with the seniority problem in the Train Lighting Wing and not on the Power Maintenance Wing in which the applicant is employed. In the rejoinder filed by the applicant, he submitted that the principle of equity required that the ratio of judgment given in OA No.873/92 filed by the Khalasis

on TL side should equally be applicable to PM side. Equity depends upon the facts and circumstances of the case and it is not open to the applicant to agitate that issue before this Tribunal. We have also perused the seniority lists maintained.


10. In the circumstances of the case, we do not find any merit in this O.A. and accordingly it is dismissed. No order as to costs.


(M.V. NATARAJAN)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE-CHAIRMAN.

DATED THE 27 DAY OF FEBRUARY, 2001.

DJ/


2722001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

COPY TO:-

1. H.H.N.J.
2. HBSJP (JUDGE) MEMBER
3. HM.VN(ADMN) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

IST AND II COURT

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

THE HON'BLE MR. JUSTICE V. RAJA GOPALA
REDDY VICE-CHAIRMAN

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

THE HON'BLE MR. M. V. NATARAJAN
MEMBER (ADMN.)

DATE OF ORDER

27/2/2001

MA/RA/CP.No.

IN

MA.No.

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

9 Copies

