

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.P. NO. 141 A OF 2000 IN OA NO. 121 OF 1999

DATE OF ORDER : 25.4.2001

Between:

1. P. Ananda Rao
2. B. Ganesh Rao
3. P. Sampath Kumar
4. K. Linganna
5. G. Srinivasa Rao
6. G. Amaresan
7. H. Nagaraja

...Applicants

AND

1. Ajit Kishore,
General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. Rajkamal Rao,
Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
3. R.N. Varma
Divisional Railway Manager (BG),
South Central Railway,
Opp. Rail Nilayam,
Secunderabad.

...Respondents

Counsel for the applicants : Mr G. Ramachandra Rao

Counsel for the respondents : Mr D.F. Paul, SC for Rlys

CORAM

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

THE HON'BLE SHRI M.V.NATARAJAN : MEMBER (A)

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

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ORDER

(per Hon'ble Shri B.S.Jai Parameswar, Member (J)).

Heard Mr G. Ramachandra Rao learned counsel for the applicant, Mr D.F. Paul learned standing counsel for the respondents and Mr S. Subbarayudu , APO/M produced the provisional seniority list dated 8.11.99 and final seniority list dated 29.8.2000.

2. The applicants have filed this application to proceed against the respondents for non-compliance of the directions given in OA 121 of 99 decided on 13th October, 1999.

3. Para 5 of the said order is reproduced below:-

" In view of the above submission, it is felt that this OA should not stand in the way of the respondents to revise the seniority list as stated by them. Hence, the OA is disposed of with the following directions:-

The respondents should finalise the revised seniority list as stated above, in accordance with law within a period of 60 days from the date of receipt of a copy of this order.

If on that basis the applicants are found senior to those who are already in the higher post of Senior Diesel Assistants, the applicants should also be deemed to have been promoted to that grade from the date their immediate junior was promoted".

4. In accordance with the directions, the respondents prepared a provisional seniority list dated 8.11.99. At that time, the applicants filed this application stating that the respondents have continued some of the juniors to them as Sr.



Diesel Assistant and that they may be given the promotion as Sr. Diesel Assistant. Then, we directed the respondents to produce the relevant records and also state whether any of the juniors to the applicants are in the cadre of Sr. Diesel Assistant.

5. When the respondents filed a reply to the CP, they took this stand that no junior to the applicants have been promoted and ^{is} working in a higher grade.

6. During the course of arguments, the learned counsel for the applicants attempted to contend that as a result of the provisional seniority list dated 8.11.99, some of the juniors to them were working as Sr. Diesel Assistants and therefore, in accordance with the directions given in the OA, they should be deemed to have been promoted on par with their juniors. The said contention could have been accepted had some of the juniors to the applicants were continued in the cadre of Sr. Diesel Assistant. For this, the applicants had cited instances of G. Mallikarjuna, T. Venkatesham, K. Shankar Dayal Sharma, K.S. Ravi Kumar and N.Senthil who were shown at Sr. No. 228 to 230 and 277 and 278.

7. Now, the respondents submit that the provisional seniority list dated 8.11.99 has been finalised on 29.8.2000/^{and} on account of finalisation, the persons who were in the higher grade have been reverted. In support of this contention, they have produced the letter dated 2/3.5.2000. This letter is taken on record.

8. From the seniority list now produced, ^{we} they are

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satisfied that none of the juniors to the applicants ^{is} ~~are~~ in a higher grade. Hence, the question of granting deemed promotion to the applicants at par with the juniors does not arise.

9. Hence, the CP is closed. No order as to costs.

M. V. Natarajan
(M.V.NATARAJAN)
MEMBER (A)

B. S. Jai Parameshwar
(B.S.JAI PARAMESHWAR)
25-4-01
MEMBER (J)

Dated: 25th April, 2001
Dictated in Open Court

asl/

LL
284/2001