

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1085/99

DATE OF ORDER : 7-7-2000

Between :-

I.C.S.Raju

...Applicant

And

1. The Sr.Dy.General Manager,  
SC Rlys, Sec'bad.
2. The Sr.Divisional Personal Officer,  
SC Rlys, Vijayawada.
3. The Dy.Chief Mechanical Engineer,  
Wagon Workshop, Guntupalli,  
Vijayawada.
4. The Workshop Personal Officer,  
Wagon Workshop, Guntupalli,  
Vijayawada.
5. Mr.N.Subbaraju

...Respondents

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Counsel for the Applicant : Shri K.S.Murthy

Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Rlys

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

*Dr*

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri K.S.Murthy, learned counsel for the applicant and Sri C.V.Malla Reddy, learned standing counsel for the Respondents. Notice sent to Respondent No.5 but he refused to receive the same. Hence there is no alternative except to dispose of the O.A. ex-party.

2. The applicant in this O.A. came on request transfer from Tata Nagar Loco Shed while he was working as Skilled Grade III in Machine Trade by order dt.10.7.1980 and joined the Wagon Workshop, Guntuappli, on 12.8.1980. The applicant was informed by letter dated 30.11.1984 (Annexure-IV page-10 to the OA) stating that he is treated as a direct recruitee to Guntupalli Wagon Workshop in Skilled Grade Rs.200-400 with effect from 2.8.1980 and seniority has been assigned correctly just like other direct recruits in that workshop. Thereafter a seniority list was issued in 1994 for the Machinist category wherein the applicant is at Sl.No.143 and shown the date of entry as 2.8.1980 and Respondent No.5 was shown as Sl.No.44 and his date of entry as 19.9.1980. Subsequently in the year 1988, 1990 and 1994 the position as above remained same. Earlier the applicant approached this Tribunal by filing O.A.1640/98 which was disposed of on 28.1.1999 directing the respondentsto dispose of the applicant's representation in regard to the seniority dispute. In that O.A. the question of limitation was not raised. Eventhough counsel for the respondents submits that the question of limitation had arisen, the judgement does not indicate so. After the

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respondents had taken note of the limitation and the Bench disposed of the O.A. without advertting the contentions, the respondents could have filed review or they could have challenged the order. But there is no record to prove the respondents acted so. Further in the reply given to the applicant in obedience to the judgement in O.A.1640/98 enclosed as Annexure-XIII (Page-25 to the OA) dated 13.5.1999, there is no mention about the limitation. Hence the question of limitation at this juncture when the respondents failed to take in the earlier O.A. or even while disposing of his representation, cannot be raised at this juncture.


3. The Respondents stated that the applicant has been assigned seniority treating him as unskilled/khalasi. The above submission of the respondents in our opinion has no meaning. When an employee comes on request transfer, the rule provides in the IREM para-312 that such a request transfer will be treated as transfer into same grade and is against Direct Recruitment quota. The date of joining in the transferred unit will decides the seniority in the cadre in which he has been posted. In view of the clear cut provisions in the IREM, having come on request transfer from Tata Nagar Loco Shed in Skilled Grade III ~~and~~ to the Skilled Grade III in the respondents organisation on 12.8.1980 his date of entry as Skilled Grade III should be treated as 12.8.1980 and on that basis his seniority should be fixed in the respondents organisation. Hence the applicant is entitled for further consequential benefits if any. In the result the impugned order No.GR/P 614/

...4.

4/A/VOL.II dated 13.5.1999 is set aside and the fixation of seniority of the applicant should be given as indicated above.

4. Original Application is ordered accordingly. No order as to costs.

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

  
(R. RANGARAJAN)  
Member (A)

Dated: 7th July, 2000.  
Dictated in Open Court.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO

1. HON'BLE
2. HON'BLE (ADMN.) MEMBER
3. HON'BLE (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

~~1ST AND 2ND COURT~~

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN:  
MEMBER (ADMN.)

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

DATE OF ORDER 7/7/2000

MA/RA/CP. NO.  
IN

CA. NO. 1085/99

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~~

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
विवरण / DESPATCH

3 AUG 2000

हैदराबाद न्यायपीठ  
HYDERABAD BENCH