

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 325/99

Date: 07 APR 99

Between:

1. B. Vivekananda
2. K.V. Unni Krishnan .. Applicants

A N D

1. The Divisional Railway Manager,
South Central Railway,
Vijayawada.
2. The Senior Divisional Personal
Officer,
South Central Railway,
Vijayawada. .. Respondents

Counsel for the Applicants : Mr. K.S. Murthy

Counsel for the Respondents : Mr. N.R. Devraj

Coram:

Hon'ble Shri Justice D.H. Nasir, Vice-Chairman

Hon'ble Shri H. Rajendra Prasad, Member (A) 9/14

JUDGEMENT
(Per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard Mr. K.S. Murthy for the Applicants and Mr. N. R. Devraj for the Respondents.

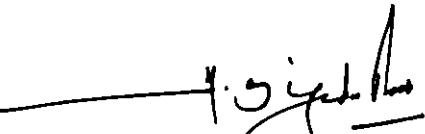
1. The facts of the case are not dissimilar to the ones contained in OA 1509/98 and batch of cases disposed of recently. The Applicants were recruited as Fireman 'A' in 1987, promoted to Shunters in 1996, and were promoted further to Goods Driver in the same year in compliance with the orders of this Tribunal in OA 1347/93, having regained their seniority over some directly recruited candidates. They were not permitted to take the screening for promotion to Crew/Traction Loco Controller held on 17th and 25th February, 1999, on the ground that they had not put in an effective service of 3 years as Goods Driver.

2. There is no need to recapitulate all the arguments and details urged and adjudicated in OA 1347/93 etc. The facts are not under dispute. Their seniority in the cadre of Goods Driver indeed dates back to 20th June, 1994. There, however, is a crucial difference between the position obtaining in the earlier set of OAs and the present case. The Applicants in those OAs approached this Tribunal well before the proposed screening test whereas the Applicants in this case have filed the OA on 1st March, 1999, viz., nearly a fortnight after the Test. It is therefore not found possible to issue any directions to the Respondents or to grant any relief claimed by these Applicants, except to

(24)

observe that their future service interests will be determined on the basis of their revised seniority as Fireman 'A'/Diesel Assistant notified by Respondent-2 on 14th May, 1996.

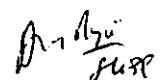
3. Thus the OA is disallowed and disposed of.


(H. RAJENDRA PRASAD)

Member (A)


(D.H. NASIR)
Vice-Chairman

MD


D.H. Nasir