

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01502-01506/2018

DATED THIS THE 30TH DAY OF OCTOBER, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

1. P. Venkata Seshaiah,
S/o late P. Seenaiah,
Aged about 38 years,
Working as Loco Pilot Goods,
South Western Railway,
Mysore Division, Harihar,
R/a Behind Police Quarters,
Mahalingappa House,
Mahalingappa Layout,
Harihar 577 601

2. Dinesh Kumar,
S/o Bindeshwar Bhagat,
Aged about 32 years,
Working as Loco Pilot Goods,
South Western Railway,
Harihar,
R/at 1st Main, 1st Cross,
Keshava Nagar, Patel Street,

Harihar

3. P. Srinivas,
S/o Balakrishna Nair,
Aged about 36 years,
Working as LP Goods, Sakleshpur,
O/o CCRC, Sakleshpur Railway Station,
Sakleshpur.

4. Simachala Das,
S/o Niranjan Palai,
Aged about 36 years,
Working as LP Goods, Arsikere,
South Western Railway, Mysore Division,
R/a Anchekoppal,
Near Anjanay Temple,
Arsikere 573 103

5. Shailendra Kumar,
S/o late Basudeo Mandal,
Aged about 38 years,
Working as Loco Pilot Goods,
S.W. Railway, Mysore Division,
Residing at C/o
Chandrashekharappa,
Mahalingappa Layout,
Near Railway Station,
Harihar, Davanagere Distt.

..... Applicants

(By Advocate Shri B.S. Venkatesh Kumar)

Vs.

1. Union of India represented by
General Manager,
South Western Railway,
Headquarters Office,
Gadag Road,
Hubli 580 020

2. Senior Divisional Personnel Officer,
South Western Railway,
Mysore Division,
Mysore 570 021

3. Divisional Personnel Officer,
Divisional Office, Mysore Division,
Mysore – 570 021Respondents

(By Shri N. Amaresh, Counsel for the Respondents)

ORDER (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. We have passed an order holding that for reckoning seniority the position of merit according to the RRB selection list has to be taken. Accordingly, the Railways have now reworked the seniority and the date of promotion has also been reworked. We uphold this decision of the respondents.

2. But then in the interregnum they have worked in a higher position and shouldered higher responsibility. Therefore, it may not be their fault that they have now to come down in the scale but the fact is that they have worked in a higher position.

3. Shri N. Amaresh, learned counsel for the respondents, very graciously admits that as a result of this reworking all those who have their seniority dates now advanced are being given only notional promotion and no monetary benefits are extended to them for this interregnum period. Therefore, the same rule will apply to the applicants herein also. There cannot be any recovery for the period they have actually worked in the promotional post whether it was right or not. But then the bringing down of the salary on reversion is perfectly correct. The modalities of this transaction may be accordingly modulated by the respondents within the next two months.

4. The OA is allowed to this extent. No order as to costs.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/01502-01506/2018

Annexure A1: Copy of the order in OA No. 520/2017 dated 21.08.2018
Annexure A2: Copy of the seniority list dated 17.02.2017
Annexure A3: Copy of the office order dated 21.09.2017
Annexure A4: Copy of the representation dated 02.10.2017
Annexure A5: Copy of the RBE No. 72/2016 dated 22.06.2016
Annexure A6: Copy of the DOPT OM dated 06.02.2014
Annexure A7: Copy of the DOPT OM dated 02.03.2016

Annexures referred in reply statement

Annexure R1: Copy of the IREM Vol. I Para 321
Annexure R2: Copy of the letter dated 12.01.2018
Annexure R3: Copy of the IREM Vol. I Para 228

Annexures referred in rejoinder

Annexure A7: Copy of the document to show that recovery of amounts were issued by respondents

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