

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**OA/020/436/2019 &
MA/20/361/2019**

Dated: 06/06/2019

Between

1. Naresh Boni, S/o. Mutyala Naidu,
Aged 31 years, Occ: Sr. Asst. Loco Pilot,
O/o. The Chief Crew Controller,
Rajahmundry Depot, Vijayawada Division,
S.C. Railway, Rajahmundry RS.
2. T. Nagaraju, S/o. Manikyam, aged 33 years,
Occ: Sr. Asst. Loco Pilot,
O/o. The Chief Crew Controller,
Rajahmundry Depot, Vijayawada Division,
S.C. Railway, Rajahmundry RS.
3. K.S.S.V.K. Rao, S/o. Krishna,
Aged 28 years,
Occ: Sr. Asst. Loco Pilot,
O/o. The Chief Crew Controller,
Rajahmundry Depot, Vijayawada Division,
S.C. Railway, Rajahmundry RS.
4. S. Hema Chandra, S/o. Satyanarayana,
Aged 33 years,
Occ: Sr. Asst. Loco Pilot,
O/o. The Chief Crew Controller,
Rajahmundry Depot, Vijayawada Division,
S.C. Railway, Rajahmundry RS.
5. Bhaskara Rao Dadi, S/o. Suri Appa Rao,
Aged 30 years,
Occ: Sr. Asst. Loco Pilot,
O/o. The Chief Crew Controller,
Rajahmundry Depot, Vijayawada Division,
S.C. Railway, Rajahmundry RS.
6. Narendra Kumar Reddy, S/o. Sesha Giri Rao,
Aged 29 years,
Occ: Sr. Asst. Loco Pilot,
O/o. The Chief Crew Controller,
Rajahmundry Depot, Vijayawada Division,
S.C. Railway, Rajahmundry RS. ... Applicants

AND

1. Union of India rep. by
The Chairman, Ministry of Railways,
Railway Board, Rail Bhavan,
New Delhi.

2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager,
Vijayawada Division, South Central Railway,
Vijayawada.
4. The Divisional Personnel Officer,
Vijayawada Division, South Central Railway,
Vijayawada.
5. G. Hazarath, S/o. Balaia, aged 42 years,
Occ: Senior Assistant Loco Pilot,
O/o. The Chief Crew Controller,
Vijayawada Diesel Depot, Vijayawada Division,
South Central Railway, Vijayawada, R.S.
6. Upendra Kumar, S/o. Risal Mahto, aged 32 years,
Occ: Senior Assistant Loco Pilot,
O/o. The Chief Crew Controller,
Vijayawada Depot, Vijayawada Division,
South Central Railway, Vijayawada, R.S.
7. Rajesh Jalumuri, S/o. Satyanarayana, aged 30 years,
Occ: Senior Assistant Loco Pilot,
O/o. The Chief Crew Controller,
Vijayawada Depot, Vijayawada Division,
South Central Railway, Vijayawada, R.S.
8. Komala Satish, S/o. Satyanarayana, aged 26 years,
Occ: Senior Assistant Loco Pilot,
O/o. The Chief Crew Controller,
Rajahmundry Depot, Vijayawada Division,
South Central Railway, Rajahmundry R.S.
9. G. Hema Sundara Rao,
S/o. Surya Narayana Rao, aged 27 years,
Occ: Senior Assistant Loco Pilot,
O/o. The Chief Crew Controller,
Vijayawada Diesel Depot, Vijayawada Division,
South Central Railway, Vijayawada, R.S.

... Respondents

Counsel for the Applicants : Mr. K.R.K.V. Prasad
 Counsel for the Respondents : Mr. N. Srinatha Rao, SC for Railways

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mrs. Naini Jayaseelan, Admn. Member

ORAL ORDER(Per Hon~~ble~~ Mr. Justice L. Narasimha Reddy, Chairman)

MA/20/361/2019 is filed with a prayer to condone the delay of 884 days.

2. The applicants contend that as soon as they came to know about the impugned orders, they made representations and waited for some time.

Thereafter, they filed the present O.A., left with no alternative.

3. We heard Sri K.R.K.V. Prasad, learned counsel for the applicants and Sri N. Srinatha Rao, learned Standing Counsel for the official respondents.

4. The challenge in the O.A. is to a provisional seniority list. On their part, the applicants submitted their objections. Therefore, it cannot be said that the applicant are deterrent in pursuing the O.A. We, therefore, condone the delay. MA is allowed.

Order in the O.A.

5. The applicants are working as Assistant Loco Pilots, on being appointed by way of direct recruitment. It is also stated that they have been promoted to the post of Senior Assistant Loco Pilots. The respondents published a provisional seniority list of the Senior Assistant Loco Pilots on 23.12.2014. The objections/ representations were invited from the employees included in the provisional seniority list. The applicants stated that the very basis for preparation of provisional seniority list was defective in as much as no examination, at the end of training was conducted and the seniority was fixed in total contravention of the relevant rules. It is also stated that they have made representations on 2.1.2015, 23.3.2015 & 8.1.2018 raising

objection, but no action has been taken thereon, and on the other hand, promotions are being made on the basis of the provisional seniority list.

6. We heard Sri K.R.K.V. Prasad, learned counsel for the applicants, Sri N. Srinatha Rao, learned Standing Counsel for the official respondents and Sri Allu Ramana, learned counsel appearing for Respondent No.5.

7. The very nomenclature of the impugned order dated 23.12.2014 shows that it is a ~~provisional seniority list~~ of Senior Assistant Loco Pilots and Assistant Loco Pilots. Though the learned counsel for the applicants submits that the respondents normally do not publish any final seniority list, and every step is taken only on the basis of provisional seniority list, this plea cannot be accepted. The reason is that in the impugned order itself, a clear mention is made about the invitation of the objections. It reads as under:

öRepresentations, if any submitted by the staff in regard to their seniority, date of birth, caste, etc., may be forwarded to this office on or before 7.1.2015. If no representation is received with the stipulated period, it will be presumed that there is no objection for the seniority assigned to the individuals and no representation in this regard will be entertained later.ö

8. The applicants also understood the purport of the provisional seniority list and made their representations on 2.1.2015, duly mentioning, para 303 of IREM Vol.I.

9. In case, no final seniority list has yet been published, the respondents need to take the representations/ objections made by the applicants into account and finalize the seniority of the applicants at the earliest, so that the uncertainty on the issue is put at rest.

10. We, therefore, dispose of the O.A., directing that the final seniority list, as a sequel to the provisional seniority list, shall be prepared and published, within a period of three months from the date of receipt of this order, duly taking the objections/ representations taken by the applicants and all other affected persons, into account.

11. It is needless to mention that in case the applicants are not satisfied with the final seniority list, it shall be open to them, to pursue remedies in accordance with law. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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