

(2008) 07 AP CK 0023

In the Andhra Pradesh High Court

Case No : Writ Petition No. 16034 of 2006

Ch. Sreeramulu and Another

APPELLANT

Vs

Chief Security Commissioner, Railway Protection Force and
Another

RESPONDENT

Date of Decision : 07-07-2008

Acts Referred:

Railway Protection Force Rules, 1987 — Rule 96, 97, 98

Citation : (2008) 6 ALD 575 : (2009) 1 SLR 510

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : J.M. Naidu, for the Appellant; R.S. Murthy, SC, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The petitioners were initially appointed as Constables in the Railway Protection Force (for short "the Force"), in the year 1974. Both of them earned promotions to the posts of Naiks in the year 1988, and as Assistant Sub-Inspectors in the year 1989. Appointment to the post of Sub-Inspector, in the Force, is by way of direct recruitment, as well as by promotion, which in turn, is to be done on the basis of performance in the written test and interview. The petitioners were selected as Sub-Inspectors vide proceedings dated 22.11.1995, issued by the 1st respondent. The order of appointment was to be issued after completion of the training.

2. The batch of direct recruits to the post of Sub-Inspectors were sent for training in the month of January, 1996. On completion of the training, they were issued orders of appointment, and they in turn joined duties on 30.1.1997. The petitioners and other candidates, selected for promotion, were imparted a condensed training from 18.11.1996 to 12.1.1997. The orders of appointment were issued on 5.4.1997.

3. The 1st respondent issued a provisional seniority list of Sub-Inspectors in the

year 2003. The petitioners were shown below the batch of direct recruits, appointed in the year 1997. The same is challenged in this writ petition.

4. It is pleaded that even before formal orders of appointment of Sub-Inspectors were given to the petitioners, they were officiating against those posts, and the action of the 1st respondent, in treating the petitioners as juniors to the direct recruits; is contrary to law.

5. Heard Sri J.M. Naidu, learned Counsel for the petitioners and learned Standing Counsel for the respondents.

6. The grievance of the petitioners is that they have been placed below the direct recruits, who have been appointed as Sub-Inspectors in the year 1997. The Railway Protection Force Rules, 1987 (for short "the Rules") prescribe the procedure to be followed, in the matter of determining the seniority of various categories of employees in the Force. Rule 96 deals with the fixation of seniority of direct recruited candidates; Rule 97, with seniority of departmental promotees, and Rule 98, with fixation of inter se seniority of direct recruits and promotees.

7. According to Rule 96, the seniority of direct recruit candidates is determined on the basis of the rank assigned to them, according to the merit, obtained at the examination held at the end of the training. Seniority of promotees, however is based upon the position assigned to them by the Departmental Promotion Committee, while preparing the panel. Rule 98 mandates that wherever there exist two streams of appointment, i.e., direct recruitment and promotion, to the posts, the seniority among the two categories is determined on the basis of the date of promotion, for promotees; as the date of joining duty, in the case of direct recruits.

8. It is a matter of record that the batch of direct recruits, who have undergone training between December 1996 and January 1997, joined duties on 30.1.1996. The petitioners themselves stated these facts, in paragraph 8 of the affidavit. The date on which the orders of promotion were issued to the petitioners is, on 5.4.1997. Therefore, if these two dates are taken into account, the petitioners are naturally to be placed before the batch of direct recruits, who joined the duty on 30.1.1996. The provisional seniority list reflects the same, and the petitioners are not able to point out any violation of the Service Rules. On the other hand, it totally accords with Rule 98 of the Rules.

9. The writ petition deserves to be dismissed for another reason. If the petitioners are to be treated as seniors to direct recruits, it was obligatory on their part, to have impleaded all the affected parties. They have chosen to implead only one incumbent, viz., 2nd respondent, and did not implead the other Sub-Inspectors, who would be affected.

10. For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs.