
(2013) 09 AP CK 0115

In the Andhra Pradesh High Court

Case No : Writ Petition No. 5931 of 2000

N.R. Kannan and Another

APPELLANT

Vs

The Chief General Manager, Hyderabad and Others

RESPONDENT

Date of Decision : 18-09-2013

Acts Referred:

Citation : (2013) 6 ALD 753 : (2014) 1 ALT 446

Hon'ble Judges : S.V. Bhatt, J;L. Narasimha Reddy, J

Bench : Division Bench

Advocate : A. Raghu Kumar, for the Appellant; B. Narasimha Sarma, Counsel for Respondents 1 to 3, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The petitioners herein were appointed as Stenographers in the 1st respondent organization on 22-12-1976 and 22-03-1977 respectively. On their request, both of them have been transferred to Hyderabad Telecom District (for short "HTD") on 09-07-1980 and 01-08-1983 respectively. As provided for under the relevant rules, they have taken the last place in the seniority in that category of the said unit. At a later stage, the entire unit of the HTD was merged with the 1st respondent organisation. The petitioners were shown at the respective places in the combined seniority list, after merger, on par with the other employees of the HTD. On a representation submitted by the petitioners and another, the seniority list was revised through the proceedings dated 05-10-1995 and the petitioners were assigned the seniority, which they would have been entitled to, had they not been transferred from the 1st respondent organization in the year 1980 and 1983 respectively. Challenging the same, respondents 5 to 19 filed O.A. No. 1407 of 1995 before the Hyderabad Bench of Central Administrative Tribunal (for short "Tribunal"). The petitioners figured as respondents 4 and 5 therein. Through its order dated 27-04-1998, the Tribunal has allowed the O.A. setting aside the order date 05-10-1995 and directing that the petitioners shall take their seniority on par with the other

employees that have been working in HTD. The same is challenged in this writ petition.

2. Heard the learned counsel for the petitioners, the learned standing counsel for respondents 1 to 3, and the learned counsel for other contesting respondents.

3. It is a matter of record that the petitioners were originally borne on the cadre of the 1st respondent. After working there for about five years, they sought transfer to the HTD and their request was acceded to. There upon, they became part of the cadre of the HTD and they have been assigned their places in the seniority list.

4. In the course of re-organisation of the departments, the HTD came to be merged in the 1st respondent organization. In the combined seniority list for the relevant grade of stenographers, the petitioners were placed at serial Nos. 40 and 78 respectively.

5. The petitioners submitted a representation to the 1st respondent stating that they have been originally on the rolls of the 1st respondent organisation, and once the unit to which they were transferred is merged with the 1st respondent organisation, they are entitled for the original place in the seniority list. Taking a letter dated 30-07-1975 addressed by the Post Master General into account, the 1st respondent acceded to the request of the petitioners and assigned them the places 17-A and 21-A respectively in the seniority list. Since respondents 5 to 19 became juniors to the petitioners on account of the relief granted to the petitioners, they filed O.A. No. 1407 of 1995.

6. No specific rule is cited by the 1st respondent for revising the seniority of the petitioners and acceding to their request. The letter dated 30-07-1975 of the Post Master General does not have any statutory force. Added to that, there is a clear mention in that letter to the effect that it does not apply to the re-organisation effected at Hyderabad.

7. Once an employee leaves the unit of appointment on request, the immediate consequence is that he has to take the last place in the seniority list, in the unit to which he is transferred. Accordingly, he becomes part of that establishment. The amalgamation of that unit, with the one from which the employee was transferred on request, does not result in restoration of his position that existed before his transfer. Several changes take place in the interregnum in both the organizations and all of them cannot be set at naught, as a result of the amalgamation. The Tribunal has taken correct view of the matter and we are not inclined to interfere with the order passed by the Tribunal. The Writ Petition is, accordingly, dismissed. The Miscellaneous Petitions filed in this writ petition shall stand disposed of. There shall be no order as to costs.