

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No. 020/0344/2014

Date of order : 22.11.2019

Between:

Mr. M PENCHALAIAH,
S/o Sri M. Bala Narasimhulu,
Aged about 32 years,
Presently working as Helper/TL,
Tirupathi.

Applicant

A N D

1. Union of India represented by General Manager,
South Central Railway, Rail Nilayam,
Secunderabad,
2. The Senior Divisional Personnel Officer,
South Central Railway,
Guntakal Division, Guntakal,
3. Sri K.R.Ravi Kumar,
S/o Unknown, aged about 34 years,
Tech-III/TL under SSE (M),
Renigunta, Tirupathi.

... Respondents

Counsel for the applicant .. Mr. M BHASKAR

Counsel for the respondents .. Mr.V.V.NARASIMHAM
SC for Railways.

C O R A M :

THE HON'BLE MR .JUSTICE L NARASIMHA REDDY,
CHAIRMAN

THE HON'BLE MRS. NAINI JAYASEELAN, MEMBER (A)



ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

Applicant is working as Helper, Train Lighting Wing (TL Wing) at Tirupathi. Promotion from that post is to the post of Technician Grade-III. Apart from Helpers TL Wing, two other categories, viz., Helpers, AC Wing and Helpers, PL wing are also eligible. There is also a facility of accelerated promotion through Limited Departmental Competitive Examination (LDCE) separately for each wing. The test in this context was held on 18.07.2013 and the applicant participated therein. List of selected candidates was displayed on 19.02.2014. Respondent No.3 and four others were selected, but not the applicant.



2. This OA was filed challenging the appointment of Respondent No.3 as Technician Grade-III. According to the applicant, Respondent No.3 was in the AC wing and he is not entitled to be promoted against the post earmarked for TL Wing or PL Wing.

3. Respondents filed counter affidavit stating that though Respondent No.3 was initially appointed in the AC Wing, at one point of time, he re-opted to become part of TL Wing and that the plea of applicant is not correct. It is also stated that the performance of applicant in the LDCE was such that he was nowhere near the final selection list and that no relief can be granted to applicant.

4. Heard Mr. M. Bhaskar, learned counsel for applicant and Mr. V.V.Narasimham, learned standing counsel for respondents.

5. Two aspects become relevant here. First is, whether Respondent No.3 was in TL Wing or AC wing at the relevant point of time. The order of appointment in the Technician Grade-III discloses that Respondent No.3 was in TL Wing at that time. During the pendency of OA, necessary particulars were furnished in this OA and applicant was not able to state any thing to the contrary.



6. Second is, whether applicant would have stood a chance of being appointed as Technician Grade-III, if the appointment of Respondent No.3 is set aside. Result of the LDCE discloses that applicant was nowhere in the reckoning.

7. Viewed from any angle, no relief can be granted to applicant. OA is, therefore, dismissed.

8. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER(A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn