

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/665/2014

HYDERABAD, this the 22nd day of January, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



D. Srinivas Rao, 51 years,
S/o. D. Dargiah,
VRR Cook Secunderabad Rly Station,
R/o. H.No.30-239/1/1/1, Plot No.1/1,
Dwarakamai Colony, Old, Safilguda,
Malkajgiri, Hyderabad ó 500 056.

... Applicant

(By advocate: Mr. G. Pavan Murthy
for Mr. G.S. Rao)

Vs

UOI rep. by its

1. The General Manager,
S.C. Railway, 3rd floor, Railnilayam,
Secunderabad.
2. The Chief Personnel Officer,
S.C. Railway, 4th floor,
Railnilayam, Secunderabad.
3. The Divisional Commercial Manager,
Secunderabad Division, Sanchalan Bhavan,
Secunderabad.
4. Sr. Divisional Electrical Engineer,
Electrical Loco Shed, Lallaguda,
S.C. Railway, Secunderabad.
5. Sri B. Kishan, aged 57 years,
VRR Head Cook Secunderabad Rly Station,
Secunderabad Division,
Secunderabad.
6. Sri Mohd. Ahmed, aged 53 years,
VRR Head Cook Secunderabad Rly. Station,
Secunderabad Division,
Secunderabad.

... Respondents

(By advocate: Mr. M. Venkateswarlu,
SC for Railways)

ORDER (ORAL)

Hon'ble Mr. Ashish Kalia, Judl. Member

Sri D. SrinivasaRao, the applicant, has filed this O.A. U/Sec.19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:

“(1) To quash and set aside the order dated 12.2.2014 of CPO/P/SC and (2) S.O.O. No.17/Comml/DRM/SC/ 2013 dated 25.02.2013 of DRM/P/SC addressed to SR.DEE/ELS/Lgd and further direct the Respondents to promote the applicant as Head Cook in pay band Rs.5200-20200 + GP Rs.2800 w.e.f. 1.1.2011 on par with his Juniors (i.e.) R-5 and R-6 and restore his seniority in promotion post and pay other consequently benefits accrued to him in the promotion post w.e.f 1.1.2011 and pass such other order/orders as this Hon'ble Tribunal deems fit and proper in the interest of principles of natural justice.

2. The short controversy in the present O.A. is that the applicant was declared as surplus while working in IRCTC, which was closed out on restructuring of catering cadre and the posts were notified by the respondents. According to the applicant, he made a representation dated 28.1.2011, which was forwarded to Junior Engineer, duly stamped. The said representation has not been considered because there is a discrepancy in the name of the applicant. In the seniority list, his name was reflected as ÷B. SrinivasaRaoø

3. Notice was issued and the respondents filed reply, para 5 of which reads as under:

“In reply to para 4.2 of application it is a fact that after taking over the catering services by the department and as per the letter dated 20-01-2011 options have been called from the erstwhile catering staff who were redeployed in other departments. It is false to state that the Applicant exercised his option along with others. No option was opted by the Applicant and no such option application was available in the office of the 2nd Respondent though it is said to be forwarded by the supervisory official, field enquiry reveals that no such

application was forwarded by the then SSE/Gen/ELS/LGD to CPO/O/SC. As per the procedure any employee for that matter any communication being sent to the higher authorities should invariably routed through the controlling officer concerned. Even while issuing the Notification under reference No.SCR/P-HQ/175/EC/Catg/res/Apdt. 20.1.2011, it was clearly stipulated that the option forms should be forwarded by the CWM/LGS being the controlling officer. On the other hand employee did not produce proof for having the option form to this office.”



4. After considering the rival contentions of the parties, we are of this view that when the applicant is willing to work and the respondents are willing to take his services, why the respondents declared the applicant as surplus and allowed him to sit at home and draw the pre-requisite benefits of salary as per the Government policy. We hereby direct the 2nd respondent to consider the representation of the applicant in a positive manner within 90 days from the date of receipt of this order and give employment to him, who is having experience in Railway department. If any grievance still subsists, the applicant is at liberty to approach this Tribunal once again.

5. With the above observation, the O.A. is disposed of. No order as to costs.

(B.V. SUDHAKAR)
ADMN.MEMBER

(ASHISH KALIA)
JUDL. MEMBER

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