

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/725/2014

HYDERABAD, this the 22nd day of January, 2020



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

S.R. Ramudu Naik,
S/o. S.R. Savy Naik,
Aged about 43 years, Artisan Khalasi,
Office of SSE/W/S/GTL, SC Railway,
Guntakal, Andhra Pradesh.

... Applicant

(By advocate: Mr. M.C. Jacob
for Mr. E. Sukumaran)

Vs

1. Union of India rep. by
General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad - 500 071
Andhra Pradesh.
2. Divisional Railway Manager,
South Central Railway,
Guntakal Division,
Guntakal,
Andhra Pradesh.
3. Sr. Divisional Personnel Officer,
South Central Railway,
Guntakal Division,
Guntakal,
Andhra Pradesh.
4. Asst. Divisional Engineer (Social Works),
Guntakal Division,
SC Railway,
Guntakal, Andhra Pradesh.

... Respondents

(By advocate: Mr. D. Madhava Reddy,
SC for Railways)

O R D E R (ORAL)

Hon'ble Mr. Ashish Kalia, Judl. Member

The applicant has filed this OA u/Sec.19 of the Administrative Tribunal Act, 1985 praying for the following relief(s):



“.....to call for the records pertaining to the impugned memorandum No. SCR/P/GTL/135 dated 17.06.2014 of respondent 3 and set aside the same as ultra virus the rules, illegal, bad for not following principles of natural justice and violative of articles 14 and 16 of the constitution and pass such other order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2.. The applicant joined the Railway service in the year 1996 as Temporary Khalasi and his services were regularised on 3.11.1996. Later his post was redesignated as Senior Khalasi. After passing the Trade Test, he was promoted to the post of Artisan Khalasi and was posted as Carpenter Khalasi on 28.02.2014. Later on, the applicant was reverted on the pretext that there was no sanctioned post for the same. Feeling aggrieved, he approached this Tribunal and by virtue of the interim order dated 04.07.2014 passed by this Tribunal, he is still continuing in the post of Artisan Khalasi.

3.. Upon issuance of notice, respondents filed reply opposing the O.A. It is stated therein that as there are no vacancies of Artisan Khalasis, the post held by him is not against any post and as such it does not amount to reduction of post. The applicant filed rejoinder, refuting the contentions made in the reply statement.

4.. Heard Sri M.C. Jacob representing Sri E. Sukumaran, learned counsel for the applicant and Smt. Vijaya Sagi representing Sri D. Madhava Reddy, learned counsel for the respondents.



5.. After hearing the rival contentions of the parties, we are of this view that by now, from 2014 to 2020, certain vacancies might have fallen due. If a person junior to the applicant has already been promoted to the post of Artisan Khalasi, he should also be given promotion as Artisan Khalasi, in preference to them. For further promotion also, he may be considered, if he is eligible. The respondents are directed to consider the entire case of the applicant and pass a reasoned and speaking order with communication to the applicant, within three months from the date of receipt of this order. If any grievance still subsists, the applicant may approach this Tribunal once again.

6.. With the above direction, the O.A. is disposed of. No order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(ASHISH KALIA)
JUDL. MEMBER

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