

(67)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, AT HYDERABAD.

O.A.No. O.A.No. 760/87  
T.A.No.

DATE OF DECISION: 31/2/88

K.N.T.Naidu

Petitioner.

G.V.Subba Rao

Advocate for the  
petitioner(s)

Versus

The Genl.Manager, S.C.Rly., Sec'bad  
and others

Respondent.

N.R.Devaraj, SC for Rlys.

Advocate for the  
Respondent(s)

CORAM:

THE HON'BLE MR. B.N.Jayasimha, Vice-Chairman  
THE HON'BLE MR. D.Surya Rao, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunals ?
5. Remarks of Vice Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

*BN*  
HVC

*HM*  
HM(J1)

(48)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.760/1987

Date of the order: 31.7.80

BETWEEN

K.N.T.Naidu

... APPLICANT

A N D

1. The General Manager,  
South Central Railway,  
Secunderabad.
2. The Chief Personnel Officer,  
S.C.Rly., Secunderabad.
3. The Chief Engineer (Open Line),  
S.C.Rly., Secunderabad.

... RESPONDENTS.

Appearance:

For the applicant : Sri G.V.Subba Rao, Advocate

For the Respondents : Sri N.R.Devaraj, SC for Rlys.

CORAM:

The Hon'ble Mr.B.N.Jayasimha, Vice-Chairman

and

The Hon'ble Mr.D.Surya Rao, Member (Judicial).

contd...2.

(B)

(JUDGMENT OF THE BENCH DELIVERED BY THE HON'BLE SHRI D.SURYA RAO, MEMBER (JUDICIAL)).

The applicant herein who had originally been recruited in the South-Eastern Railway, had come to South-Central Railway on option consequent on the formation of the South Central Railway in the year 1967. There was considerable earlier litigation between him and the Railways wherein he claimed that his due seniority as Senior Clerk in South-Eastern Railway was not reckoned and consequently he was not given the benefit of that service, when appointed by transfer to South Central Railway. This litigation ended with the filing of Writ Petition No. 3786 of 1983 before the High Court of Andhra Pradesh which was later transferred to this Tribunal and numbered as T.A.No.522 of 1986. The T.A. 522/86 was rejected by this Tribunal. Subsequently the applicant was promoted as Head Clerk on adhoc basis with effect from 1-5-1980. This was followed by orders appointing him on officiating basis as Head Clerk. Subsequently, by an order dated 11-1-1983 his services as Head Clerk were regularised with effect from 19-10-1982. He was promoted as Chief Clerk on adhoc basis with effect from 18-10-85. Thereafter, one Mr. Eapen Verghese, Office Superintendent was promoted as Assistant Personal Officer and the applicant was asked to work as Office Superintendent by the Deputy Chief Engineer (General), South-Central Railway. This was on the basis of instructions of the Chief Engineer (Open Line), South Central Railway. The applicant alleges that despite request

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of the Chief Engineer to release the promotion of the applicant, the C.P.O., South Central Railway did not do so. Later on, the C.P.O. by his letter No.P/E/63/Clerks Hqrs. dated 9-7-87 informed the third Respondent, Chief Engineer, that giving of adhoc promotion to the applicant as Office Superintendent was not permissible since the applicant's earlier promotion as Chief Clerk was also on adhoc basis. The applicant sought to contend that the C.P.O. placed reliance on the Railway Board's letter dated 28-8-1985 which is not applicable to his case and the action of the C.P.O. not to allow him to work as Office Superintendent from 12-6-1987 was irregular and there is no justification in seeking to revert him. Originally the applicant prayed for a direction that he should be <sup>regularly</sup> ~~as~~ treated as <sup>regularly</sup> promoted to the post of Chief Clerk with effect from 18-10-85 and consequently he should also be allowed to continue as Office Superintendent beyond 12-6-87. Subsequently, on behalf of the applicant, an M.A. 752/89 was filed wherein the prayer was sought to be amended. By this prayer the applicant sought a direction to the Respondents to treat him as a regular promotee as Chief Clerk with effect from 1-1-1984 against one of the restructured posts and consequently to regularise the services as Office Superintendent in the scale of Rs.2000-3200 in which post he had been working from 12-6-1987.

2. On behalf of the Respondents, a counter has been filed denying the various claims of the applicant.

3. We have heard the arguments of Sri G.V.Subba Rao, the learned counsel for the applicant and that of Sri N.R. Devaraj, Standing Counsel for the Railways on behalf of the Respondents.

To

1. The General Manager, S.C.Railway, Secunderabad.
2. The Chief Personnel Officer, S.C.Railway, Secunderabad.
3. The Chief Engineer(Open Line), S.C.Railway, Secunderabad.
4. One copy to Mr.G.v.Subba Rao, Advocate  
1-1-230/33, Jyothi Bhavan, Chikkadapally, Hyderabad.
5. One copy to Mr. N.R.Devraj, SC for Rlys, CAT, Hyd.Bench.
6. One spare copy.

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4. The applicant had, after filing to this O.A.No.760/87, filed another O.A.No.828/88 wherein he had sought an identical prayer as now made in O.A.No.760/87 after the amendment. Thus in both the cases the prayer is common, viz. that he should have been shown as regularly promoted as Chief Clerk in a restructured post with effect from 1-1-1984 and to give him consequential promotion as Office Superintendent (General) from the date he was asked to lookafter these duties after the promotion of Sri Eapen Verghese as Assistant Personnel Officer. Sri Subba Rao the learned counsel for the applicant has contended that O.A. 828/88 may be disposed of and the order therein would be applicable to the present application. This plea was made in view of the amendment to the prayer in the present Application, O.A. 760/87. We have by separate orders delivered today in O.A.No.828/88, rejected the plea of the applicant that he is entitled for appointment as Chief Clerk with effect from 1-4-84 consequent upon upgradation/restructuring. The said application having been dismissed, it follows that the present application also is liable to be dismissed for the reasons given by us in O.A.No.828/88.

5. This Application is accordingly dismissed. No costs.

*B.N.Jayasimha*  
(B.N.JAYASIMHA)  
Vice-Chairman

*D.S.Rao*  
(D.SURYA RAO)  
Member(Judl.)

Dated: 31 July 1990

mhb/

*Deputy Registrar*  
DEPUTY REGISTRAR (JUDL)

31/8/90