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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 232 of 1989

Date of Decision :

~~XXXXXX~~

Smt. Savit alias Yasoda Bai

Petitioner.

Mr. S. Lakshma Reddy

Advocate for the
petitioner (s)

Versus

The Secretary, Ministry of Railways,
New Delhi and 2 others

Respondent.

Mr. N.R. Devaraj, SC for Railways

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy, Member (Judl.)

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ? No
4. Whether it needs to be circulated to other Benches of the Tribunal ?
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)


HJNM


HRBS

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.232 of 1989

DATE OF ORDER: 10th OCTOBER, 1990.

BETWEEN:

Smt. Savita alias Yaseda Bai,
w/o Mr. Sharanappa Narsappa .. Applicant

vs.

1. Union of India represented by its
Secretary, Ministry of Railways,
(Railway Board), New Delhi.
2. The General Manager, South Central
Railway, Secunderabad.
3. The Divisional Railway Manager (P), (MG),
South Central Railway, Secunderabad .. Respondents

FOR APPLICANT : Mr. S.Lakshma Reddy, Advocate

FOR RESPONDENTS : Mr. N.R.Devaraj, SC for Railways

CORAM: Hon'ble Shri J.Narasimha Murthy, Member (Judl.)
Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J.NARASIMHA MURTHY, MEMBER (JUDL.)

This is a petition filed by the petitioner for a relief to quash the impugned order dated 13.9.1988 issued by the 3rd respondent rejecting the representation of the applicant for change of post from Class-IV to Class-III. The facts of the case are briefly as follows:-

The petitioner's husband late Sri Sharanappa, T.No. 3604 working as Y.K.C. in the Locomotive shed, Lalaguda died on 20.6.1986 due to injury suffered while on duty on 24.7.85. The petitioner made a representation to the 3rd respondent for

an appointment to any suitable post having regard to her qualifications on 12.7.1986 on compassionate grounds. She passed S.S.L.C. examination in the year 1979. She was aged about 24 years and also belongs to Scheduled Caste community. The 3rd respondent by his proceedings dated 14.8.1986 directed the applicant to appear for an interview before the committee of senior officers to assess the suitability of the applicant for Class-III post. The applicant states that 5 other candidates who are either sons or dependants of the employees who have either suffered general death or retirement have also appeared for the interview on the same date. After the interview was over, a decision was communicated to the applicant stating that she was not found suitable to Class-III post and she would be considered only to Class-IV post. The applicant states that all other persons who appeared for interview on 19.8.1986 ~~for compassionate~~ were appointed to Class-III posts though they were not the sons/dependants of the employees who had suffered death while on duty. The applicant was appointed as temporary Khalasi on compassionate grounds ~~xx~~ and posted to Lube Oil Filter Plant, Secunderabad. She states that this appointment is arbitrary and violative of Railway Board's instructions dated 7.4.1983. Though she has got all qualifications for the ~~xxx~~ Class-III post, the respondents have intentionally posted her to Class-IV as Khalasi. So, she challenged her posting as Khalasi in this petition.

2. The respondents filed a counter with the following contentions:-

The respondents state that the applicant was suitable only for a Class-IV post and her request for appointment to Class-III cannot be considered. The applicant was informed the decision of the 3rd respondent to consider her only for Class-IV post. The applicant has no right to question the

To

1. The Secretary, Union of India,
Ministry of Railways, (RailwayBoard),
New Delhi.
2. The General Manager, S.C.Railway, Secunderabad.
3. The Divisional Railway Manager (P) (MG)
S.C.Railway Secunderabad.
4. One copy to Mr.S.Lakshma Reddy, Advocate
3-4-548/3, Behind Y.M.C.A. Near Andhra Bank, Narayananaguda,
Hyderabad - 29.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.Bench.
6. One copy to Hon'ble Mr.J.Narasimha Murty, Member (J) CAT.Hyd.
7. One spare copy

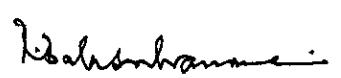
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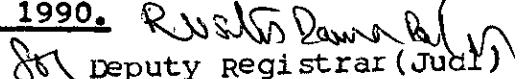
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Railway administration insofar as her recruitment is concerned. A Scheduled Caste Member was also in the Committee and no injustice was done to her by the Railway administration in appointing her as Khalasi. Hence, there are no merits in the petition and it is liable to be dismissed.

3. We have heard the learned counsel for the applicant and Shri N.R.Devaraj, Standing Counsel for the Railways/Respondents. During the course of arguments, it is disclosed that the persons who are selected for Class-III posts are equally qualified as the petitioner. In the interview they ^{fairly} fared well but the petitioner awfully failed in the interview. So, she was not chosen for Class-III post. No person was appointed in the Class-III post who have got lesser qualification than the petitioner. So, equally qualified people have appeared for the interview. The respondents selected some of the candidates on merit to the Class-III posts. As the applicant awfully failed in the interview, she was not chosen for class-IV post. So, the Railway administration is not committed any fault and at the same time there is no bias to choose her to Class-IV post. In these circumstances, we hold that there are no merits in the petition and the petition is accordingly dismissed without costs.


(J. NARASIMHA MURTHY)
Member (Judl.)


(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 10 th October, 1990. 
Deputy Registrar (Judl.)

10/10/90
RMS
CHECKED BY
TYPED BY

APPROVED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.
AND

THE HON'BLE MR. D. SURYA RAO : M(J)
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)
AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A).

DATE: 24-9-10/10/90

~~ORDER~~ / JUDGEMENT :

M.A. / R.A. / C.A. / NO.

in

T.A. No.

W.P. No.

O.A. No. 232/89

Admitted and Interim directions
issued.

Allowed.

Dismissed for default. Central Administrative Tribunal

Dismissed as withdrawn. T.C.H.

Dismissed. 2 OCT 1990

Disposed of with directions. BENCH.

M.A. Ordered/Rejected.

No order as to costs.

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