

28

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 369/89

Date of Decision : 1-4-92

T.A.No.

M.Venkateswarlu, Petitioner.

Sri N.Ramachandra Rao, Advocate for the
petitioner (s)

Versus

Chief Workshop Manager, S&T Workshops, Mettuguda,
Secunderabad & another. Respondent.

Sri D.Gopal Rao, Advocate for the
Respondent (s)

CORAM :

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

THE HON'BLE MR. C.J.ROY : MEMBER (J)

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 ?
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)


(RBS)
M(A)


(CDR)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 369/89.

Dt. of Order:1-4-92.

M.Venkateswarlu

.....Applicant

Vs.

1. Chief Workshop Manager,
S & T Workshops, Mettuguda,
Secunderabad.
2. T.Shanmugam
Major Head Cler, Establishment Section,
Office of the Chief Workshop, Manager,
S & T Workshops, Mettuguda, Secunderabad.

.....Respondents

-- -- --

Counsel for the Applicant : Shri N.Ramachandra Rao

Counsel for the Respondents : Shri D.Gopal Rao

-- -- --

CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI C.J.ROY : MEMBER (J)

(Order of the Division Bench dictated by Hon'ble
Sri R.Balasubramanian, Member (A)).

-- -- --

This old 1989 case was posted for dismissal today and even so, neither the applicant nor his counsel turned up. Sri N.Rajeshwar Rao, on behalf of Sri D.Gopal Rao, learned counsel for the Respondents was present. ~~Hence we have~~ decided to hear ^{him} and decide the case on merits. The facts of the case in brief are narrated below.

The applicant belongs to S.T.Community. At the relevant time he was working as Head Clerk and was awaiting ~~for~~ ^{another person,} promotion as Chief Clerk. Prior to this, bearing the same name and also belonging to the S.T.Community had already been promo-

ted as Chief Clerk against the slot reserved for the S.T. The Respondents went ahead with preparation of another panel of Chief Clerks and had included the name of the applicant by virtue of roster point. In the meantime the Tribunal had issued an interim order in OA 286/89, by which at any given point of time the representation for S.T. should not exceed $7\frac{1}{2}\%$ by mere application of the 40 point roster. Since there was already adequate representation for S.T. and in view of this interim order the applicant could not be promoted as Chief Clerk even though he was included in the panel by virtue of application of the roster. Hence the 2nd Respondent was promoted as Chief Clerk. It is against this that the applicant has approached this Tribunal with this Original Application.

The respondents have filed a counter affidavit opposing the application. It is their case that with the filling-up of the S.T. quota with another person bearing the same name and belonging to the same community and in view of the interim order passed by the Tribunal, they were not in a position to promote the applicant to the cadre of Chief Clerk. The applicant contends that with divisionalisation of the cadre of Chief Clerk with effect from 1-4-84, one more post for S.T. community will become available in S & T Workshop and he should be promoted against that. It is countered by the Respondents stating that even after divisionalisation, there ^{was} ~~will be~~ no additional post in the S & T Workshop under the S.T. quota because the other person Sri Venkateshwarlu, who is S.T. and

- 3 -

and ^aChief Clerk is assigned to the ^{S & T Workshops} post and this is not going to help the applicant. Since there is no other post under the S.T.quota in the S&T Workshop, within the 7½% limit, the applicant cannot get the benefit of application of roster. Hence we dismiss the case with no order as to costs.

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member (A)

(C.J. ROY)
Member (J)

Dated: 1st April, 1992.
Dictated in Open Court.

4
Deputy Registrar (45924)

avl/

To

1. The Chief Workshop Manager, S&T Workshops, Mettuguda, Secunderabad.
2. One copy to Mr. N. Ramachandra Rao, Advocate
1-8-519/10, Chikkadapally, Hyderabad.
3. One copy to Mr. D. Gopal Rao, SC for Rlys, CAT. Hyd.
4. One spare copy.

pvm.

342