

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 391/89.

Date of Decision : 28.6.91

I.A.No.

R.Sampath Rao

Petitioner.

Shri G.V.Subba Rao

Advocate for the  
petitioner (s)

Versus

The Sr. Divl. Electrical Engineer

Respondent.

(Traction Rolling Stock), S.C.Rly., Vijaywada Division,

Vijaywada & 2 others

Shri 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 ?
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  
M(J)

HRBS  
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No. 391/89.

Date of Judgment 28-6-91

R.Sampath Rao

.. Applicant

Vs.

1. The Sr. Divl. Electrical  
Engineer  
(Traction Rolling Stock),  
South Central Railway,  
Vijaywada Division,  
Vijaywada.
  2. The Divl. Railway  
Manager(Personnel),  
South Central Railway,  
Vijaywada Division,  
Vijaywada.
  3. The Chief Personnel  
Officer,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
- .. Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri N.R.Devaraj,  
SC for Railways

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[ Judgment as per Hon'ble Shri R.Balasubramanian,  
Member(Admn) ]

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This application has been filed by Shri R.Sampath Rao under section 19 of the Administrative Tribunals Act, 1985 against the Sr. Divl. Electrical Engineer (Traction Rolling Stock), South Central Railway, Vijaywada Division, Vijaywada and 2 others.

2. In response to a notification by the respondents the applicant applied for a post of Motor/Truck/Jeep Driver in the Traction Distribution Organisation. He was successful in the test conducted and was appointed as such. Later, <sup>in July 85</sup> however, he exercised an option by the application of which the respondents denied him his due seniority. He has prayed for a direction to the respondents to treat him as a Jeep/Truck/Fort Lift Operator in the TRS Organisation w.e.f. 3.11.90 in the pay scale of Rs.260-400, or in the alternative hold him to be entitled to seniority from the date he was empanelled and absorbed as Fort Lift Operator in the grade of Rs.260-400 w.e.f. 3.11.90 in the cadre of Fitters as declared by the Senior Divisional Personnel Officer, Vijaywada in his letter dated 3.12.84.

3. The application is opposed by the respondents. Their main plea is that the selection did not confer any prescriptive right on the applicant as it was only meant for utilising his services in case of being found suitable and on adhoc basis.

4. We have examined the case and heard the learned counsel for the applicant and the respondents. The learned counsel for the applicant had cited several cases <sup>holding</sup> ~~by which he had held~~ that the type of undertaking the respondents had extracted from the applicant was <sup>void in law.</sup> ~~his inability as untenable.~~ It was also pointed out that in similar circumstances the Secunderabad Division had followed a different course which, in his opinion, was the correct one. He <sup>stated</sup> ~~had also held~~ that the Vijaywada Division had not correctly interpreted the instructions from the General Manager's office and hence the present situation. He had also produced a copy of letter No.P(EL)694/VI/Union/61 dated 3.6.91 issued by the General Manager's office, Personnel Branch, South Central Railway, Secunderabad addressed to the Divl. Railway Manager, Vijaywada. At this stage, the learned counsel for the respondents Shri N.R.Devaraj pointed out that the instructions, particularly paras 5, 6 and 7, meet the alternative remedy that the applicant had asked for.

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The learned counsel for the applicant agreed with this and only wanted a direction from the court that the Divl. Railway Manager, Vijaywada follow the instructions of the General Manager strictly. The letter of the General Manager is a very recent one and dated 3.6.91. This being the instruction from the General Manager, it is expected that the Divl. Railway Manager, Vijaywada will follow this and there is no need for a direction from the court.

5. With the above direction, the application is disposed of with no order as to costs.

( J.Narasimha Murthy )  
Member(Judl).

( R.Balasubramanian )  
Member(Admn).

Dated

28th June 91

Deputy Registrar (A)

- To
1. The <sup>SV</sup> Divisional ~~Electrical Engineer (Traction Rolling Stock)~~  
South Central Railway, Vijayawada.
  2. The Divisional ~~Railway Manager (Personnel)~~  
S.C.Railway ~~Vijayawada Division~~  
Vijayawada.
  3. The Chief Personnel Officer,  
S.C.Railway, Railnilayam, Secunderabad.
  4. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd-
  5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
  6. One copy to Hon'ble Mr.J.Narasimha Murthy, Member(J)CAT.Hyd.
  7. One spare copy.

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