

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

36

O.A. No. 684/89.

T.A.No.

Date of Decision :

18/9/90
August, 1990.

Petitioner.

Advocate for the
petitioner (s)
Versus

Respondent.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J.NARASIMHA MURTHY : MEMBER (JUDICIAL)

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

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)

(JNM)
M(J)

(RBS)
M(A)

No

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

BENCH : AT HYDERABAD :

OA No.684/89.

Date of Judgment: 18.9.90.

S.Sreeram

....Applicant

Vs.

1. The General Manager,
South Central Railways,
Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
3. The Secretary,
Railway Service Commission,
South Central Railway,
IRISSET Complex, Secunderabad.

....Respondents

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Counsel for the Applicant : Shri P.Krishna Reddy

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

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CORAM:

HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (JUDICIAL)

HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (ADMINISTRATIVE)

(Judgment of the Division Bench delivered by
Hon'ble Shri R.Balasubramanian, Member (A)).

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This application has been filed under section 19 of the Administrative Tribunals Act, 1985 by Shri S.Sreeram against the General Manager, South Central Railway and two others. The applicant applied for the post of Clerks in response to Employment notice No.3/80 published on 28-12-80. He had passed the written examination and he appeared for the interview on 16-1-1982 which was common for ~~all the~~ various categories i.e. (1) Trainee Assistant Station Master;

contd...2.

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(2) Trainee Guard; (3) Trainee Commercial Clerk; (4) Trainee Ticket Collector; (5) Trainee Trains Clerk and (6) Office Clerk. The applicant was not given any appointment order and his father started representing^{to} the Railways. In reply, his father was told that the applicant had not qualified in the physiology test meant for Trainee Assistant Station Master. It is the case of the applicant that even though he was not considered for the post of Trainee Asst. Station Master, he should have been selected for any one of the remaining five categories. The applicant prays that he be appointed to one of the remaining five categories.)

2. A counter has been filed on behalf of the respondents opposing the application. It is their case that the applicant has secured only 160 marks in both written and viva-voce test, whereas the marks obtained by the last candidate in each of the five categories was more than 160 in the case of the OC candidates. It is further stated that the applicant was not considered suitable for the post of Trainee Asst. Station Master since he had failed in physiology test.

3. We have heard the learned counsel for the applicant Shri P. Krishna Reddy and Shri N.R. Devaraj, learned standing counsel for the respondent railways. In the course of the ^{hearing the} ~~arguments~~ respondents vigorously raised the question

To

1. The General Manager, S.C.Railways, Secunderabad.
2. The Chief Personnel Officer, S.C.Railway, Secunderabad,
3. The Secretary, Railway Service Commission, S.C.Railway,
IRISSET Complex, Secunderabad.
4. One copy to Mr.P.Krishna Reddy, Advocate
3-5-899, Himayatnagar, Hyderabad.
5. One copy to Mr.N.R.Degraj, SC for Rlys, CAT.Hyd.Bench.
6. One copy to Mr.J.Narasimha Murty, Member(J) CAT.Hyd-Bench
7. One copy to Mr. R.Balasubramanian, Member(A)CAT.Hyd.Bench
8. One spare copy.

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WTS. Samp
21/5/92

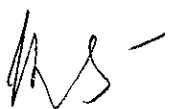
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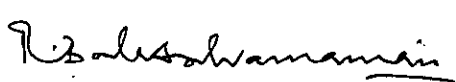
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of limitation. It is stated that the tests were conducted in January, 1982 and though the father of the applicant was repeatedly representing, it was only on 21-8-86 that the applicant himself ^{chose} ~~chose~~ to represent against the non-selection i.e. well after 4½ years after the tests were held. To this also he did not get any reply and he filed this Original Application only in September, 1989, again after the delay of three years. It is therefore agreed that the case is clearly hit by limitation.

4. From the facts of the case we find that the applicant who belongs to the OC had secured only 160 marks whereas the last candidate selected for each of the categories secured more than 160 marks. The applicant just had no chance of getting selected. The learned counsel for the applicant contended that the distribution of SC/ST quota among the various categories was not uniform. The respondents contended this by stating that it could not be so because the actual state of SC/ST representations is different for different cadres. Moreover the case is clearly hit by ~~the~~ limitation, therefore we dismiss the application with no order as to costs.


(J. NARASIMHA MURTHY)
Member (Judicial)


(R. BALASUBRAMANIAN)
Member (Administrative)


Dated: 18th September
August, 1990.

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Deputy Registrar (Judl)