

ANNEXURE
INDEX FORM

LIST OF PAPERS IN ORIGINAL APPLICATION NO 906/89

Sl.No.of Papers.	Date of paper or date of filing	Description of Papers.
		<u>PART I</u>
	9-9-92	Original Judgment
	15-11-89	Original Application & Material papers.
	20-12-90	Counter
	9-9-91	Reply Counter.
		<u>PART II</u>
	15-11-89	Copy of C.A.
		Copies of Material Papers.
	20-12-90	Copy of Counter.
	9-9-91	Copy of Reply Counter.
	9-9-92	Copy of Judgment.
		<u>PART III</u>
	15-11-89	Vakalatnama.
	7-12-89	Memo
	29-11-89	Notice

Part-II and Part -III Destroyed. BN
21/5/96

Pre-delivery judgement in O.A.906/89
prepared by Hon'ble Shri T.Chandrasekhara
Reddy, Member(Judl.) for concurrence pl.

Hon'ble Shri T.Chandrasekhara Reddy :

Disc-1e
G.A. in judgement
on 9-9-92

10/9/92
S/A.

(u)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A. No. 906/89

Date of Decision: 10-9-94

T.A. NO.

V.N.Purlikar

Petitioner.

Mr.G.V.Subba Rao

Advocate for
the Petitioner(s)

Versus

The Chief Personnel Officer, S.C.Rly.,
Rail Nilayam, Secunderabad and another.

Respondent.

Mr.N.R.Devraj

Advocate for
the Respondent
(s)

COR M)

THE HON'BLE MR. T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters 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.)

} No

T. S. M. P.
(HTCSR)
M(J)

45

20/10/92
10/11
02/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD BENCH
AT HYDERABAD

OA.906/89

Date of Decision : 9-9-92
9-9-92
9/9/92
September, 92

Between

V.N. Purlikar : Applicant

and

Union of India, rep. by

1. The Chief Personnel Officer,
South Central Railway,
Railnilayam,
Secunderabad

2. The General Manager
South Central Railway
Railnilayam, Secunderabad : Respondents

Counsel for the Applicant : G.V. Subba Rao, Advocate

Counsel for the Respondents : N.R. Devaraj, Standing Counsel
for Railways

CORAM

HON. Mr. T. CHANDRASEKHARA REDDY, MEMBER(JUDL)

(Order of the Single Member Bench delivered by
Hon. Mr. T. Chandrasekhara Reddy, Member(J)

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to promote the applicant as Chief Law Assistant w.e.f.1-1-1984 and further to direct the respondents to refix his pay in the cadre of Chief Law Assistant w.e.f. the same date he was promoted (1-1-1984) with all consequential benefits such as arrears of pay and retiral benefits including encashment of leave salary DCRG and pension.

2. The facts giving rise to this OA in brief are as follows:

The applicant was originally appointed as Typist in the

T. Chandrasekhara Reddy

10/11/92

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Central Railway on 7-2-1956. After earning different promotions he was promoted as Law Assistant and posted as Law Assistant in Claims Branch of the Chief Commercial Superintendent's Office on 14-11-1979 and the applicant continued to work as such. The restructure in the Law cadre alongwith the other cadres came into force on the basis of Railway Board's letter dated 16-11-1984. As per the said restructuring, three posts were upgraded as Chief Law Assistants. It is the grievance of the applicant that Sri Basti and Sri Prakash Rao and the applicant herein were entitled to be promoted to the said three posts of Chief Law Assistants with effect from 1-1-1984 and that the respondents promoted only the said Sri Basti and Sri Prakash Rao w.e.f. 1-1-1984, from which date the said cadre restructure came into effect as per the Railway Board's letter and that this applicant also ought to have been promoted alongwith Sri Basti and Sri Prakash Rao who were working as Law Assistants and on the otherhand that the applicant's promotion to the post of Chief Law Assistant w.e.f. 11-4-1985 as against the third post in the cadre of Chief Law Assistant is not valid. So, the present OA is filed by the applicant for the relief as already indicated above.

3. Counter is filed by the respondents opposing this OA.
4. As per the Railway Board's letter dated 16-11-1984, it was decided to restructure certain categories of Group 'C' and 'D' posts. As already pointed out there was increase of three posts of Chief Law Assistants. The instructions of the Railway Board's letter dated 16-11-1984 (Annexure-1 to the OA) makes it clear that the benefit of fixation to the selected higher grade posts ^a result of restructure should be given against all

1-1-1984.

Central Railway on 7-2-1956. After earning different promotions he was promoted as Law Assistant and posted as Law Assistant in Claims Branch of the Chief Commercial Superintendent's Office on 14-11-1979 and the applicant continued to work as such. The restructure in the Law cadre alongwith the other cadres came into force on the basis of Railway Board's letter dated 16-11-1984. As per the said restructuring, three posts were upgraded as Chief Law Assistants. It is the grievance of the applicant that Sri Basti and Sri Prakash Rao and the applicant herein were entitled to be promoted to the said three posts of Chief Law Assistants with effect from 1-1-1984 and that the respondents promoted only the said Sri Basti and Sri Prakash Rao w.e.f. 1-1-1984, from which date the said cadre restructure came into effect as per the Railway Board's letter and that this applicant also ought to have been promoted alongwith Sri Basti and Sri Prakash Rao who were working as Law Assistants and on the otherhand that the applicant's promotion to the post of Chief Law Assistant w.e.f. 11-4-1985 as against the third post in the cadre of Chief Law Assistant is not valid. So, the present OA is filed by the applicant for the relief as already indicated above.

3. Counter is filed by the respondents opposing this OA.

4. As per the Railway Board's letter dated 16-11-1984, it was decided to restructure certain categories of Group 'C' and 'D' posts. As already pointed out there was increase of three posts of Chief Law Assistants. The instructions of the Railway Board's letter dated 16-11-1984 (Annexure-1 to the OA) makes it clear that the benefit of fixation to the selected higher grade posts ^a result of restructure should be given against all vacancies ⁿ w.e.f. 1-1-1984.

5. As seen from the counter of the respondents, one Sri SMV Subba Rao, who was working as Chief Law Assistant, was promoted

as Assistant Commercial Officer w.e.f. 17-11-1983 prior to the restructuring of Law cadre. So, including the vacancy that arose due to the promotion of the said Sri S.M.V. Subba Rao, by 1-1-1984 that there were four vacancies of Chief Law Assistant posts is not in dispute.

6. As could be seen from the counter of the respondents, one vacancy was kept reserved for one Sri B. Veera Raju, who was of Scheduled Tribe, as there was some dispute with regard to his caste status. The said Sri B. Veera Raju seems to have filed a Writ Petition in the High Court of A.P. as the community certificate that he belonged to ST community that was issued by the District Collector was cancelled. Ultimately, the said Sri Veera Raju succeeded in the Writ Petition in the High Court of AP. The Judgement in the said Writ Petition seems to have delivered somewhere during the end of the year 1984. So, Sri B. Veera Raju had been given promotion w.e.f. 17-11-1983 on proforma basis as Chief Law Assistant. Obviously, the said Sri Veera Raju had been fitted in the vacancy that arose due to the promotion of the said Sri S.M.V. Subba Rao, who was working as Chief Law Assistant w.e.f. 17-11-1983. So, still by 1-1-1984 as could be seen there were three vacancies available of the posts of Chief Law Assistants. Admittedly, Sri Basti and Sri Prakash Rao who were seniors to the applicant were promoted in the first two vacancies and we see no valid reasons for not promoting in the third vacancy, the applicant herein in view of the Railway Board's instructions dated 16-11-1984 that the benefit of fixation from 1-1-1984 should be given against all vacancies that arose from restructure. So the action of the respondents in not giving promotion to the applicant w.e.f. 1-1-1984 is without basis. As a matter of fact, the applicant in his own right was entitled for promotion w.e.f. 1-1-1984 alongwith Sri Basti and Sri Prakash Rao, who were his immediate seniors.

T. C. N.

3/2/84

Copy to:-

1. The Chief Personnel Officer, South Central Railway, Railnilayam, Union of India, Secunderabad.
2. The General Manager, South Central Railway Railnilayam, Secunderabad.
3. One copy to Sri. G.V.Subba Rao, advocate, 1-1-230/33, Chikkadapally, Hyd-20.
4. One copy to Sri. N.R.Devaraj, Sr. SC for Railways, CAT, Hyderabad.
5. One spare copy.

Starla
for
31

Rsm/-

7. Even though the applicant was promoted w.e.f. 11-4-85 as Chief Law Assistant, the applicant seems to have been put in a representation to the competent authority to give him promotion w.e.f. 1.1.1984, prior to his retirement in the year 1989. Even though the applicant is to be given promotion w.e.f. 1.1.1984, in view of Section 21 of the Administrative Tribunals Act the monetary benefits are to be restricted only for a period of one year prior to the filing of this OA. 58 The applicant cannot have the full monetary benefits even though he is entitled for promotion w.e.f. 1.1.1984.

8. In the result the respondents are directed to give ~~pro-tem~~ promotion to the applicant w.e.f. 1.1.1984 and re-fix his pay w.e.f. 1.1.1984 with all consequential benefits notionally. We direct the respondents to give the actual monetary benefits such as arrears of pay, encashment of leave salary, DCRG and pension to the applicant and also arrears of pension if any in the post of Chief Law Assistant w.e.f. 15.11.1988 which is one year from the date of filing of this OA. The Original Application is allowed accordingly, leaving the parties to bear their own costs.

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: ~~10~~ 9 September, 1992.

Deputy Registrar (Judl.)

Contd... 57-

25/9 O.A. 906/92

TYPED BY _____ COMPARED BY _____
CHECKED BY (3) APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
MEMBER (J)

AND

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

Dated: 9/9/1992

ORDER / JUDGMENT

~~R.A./C.A./M.A.No~~

O.A.No. 906/92
T.A.No. (W.P.No)

Admitted and interim directions issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.

Central Administrative Tribunal
DESPATCH
25 SEP 1992
HYDERABAD BENCH

17/9/92

Date

Office Note

Orders

27-3-92

1-4-92

6-6-92

1/9/92

9-9-92

OA 906/89

CAV
19/12

(2)

Mr. G.V. Subba Rao, Advocate for the applicant is present and report ready. Hence None present for the respondents. Hence OA is adjourned to 1-4-92.

T. S. R. L.
(HCSR)
(XJ)

Mr. G.V. Subba Rao, Advocate for the applicant not present. Mr. N.R. Dargy, Advocate for the respondents is present and reports ready. Hence OA is adjourned to 6-4-92.

T. S. R. L.
(HCSR)
(XJ)

At the request of both the counsel, let the case on 11-6-92

with
(HCSR)
(XJ)

OA 906/89

Heard Mr. B. Murugan for Mr. G.V. Subba Rao, Advocate for the applicant and Mr. N.R. Dargy for the respondents.

OA is adjourned to 1-4-92.
(HCSR)
(XJ)

OA is allowed with no order as to costs. Vide the orders on separate sheets.

T. S. R. L.
(HCSR)
(XJ)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

(3)

O.A./ ~~NO.~~ NO. 906 1989

V. N. Purlikoti Applicant(s)

Versus

The Chief Personnel Officer, S. CR Subbad & another Respondent(s)

Date	Office Note	Orders
<p>17-11-89 20-11-89</p>	<p>Notice issued to the Respondents 1 and 2. Fixing for hearing on 29.12.89.</p>	<p>Admit - Notice returned within 6 weeks ADSK M31 2</p>
<p>For Counter: BEFORE THE REGISTRAR: 1st time: 29-12-1989:</p>		<p>Counsel of both sides absent. Time extended till 5-1-90 for Counter. REGISTRAR</p>
<p>2nd Time: 5-1-1990 :</p>		<p>Counsel of both sides absent. Time extended till 12-1-1990 for Counter. REGISTRAR</p>
<p>3rd time: 12-1-90: 21/12/90. Counter Affidavit filed by. Mr. N.R. Deboraj S.C for RYS. on 20/12/90.</p>		<p>Counsel of both sides absent. Counter not filed. Post before Court for Orders. 12/1/90 Dy. Registrar</p>

me

P.T.O.

ORIGINAL APPLICATION No. 906 of 1989.

(u)

DATE: 19-02-1990

Final Four weeks time granted for filing counter, at the request of Standing Counsel/Respondents, thereafter post the case for final hearing according to its turn in usual course.

JNM DSR
M(J)

RBS
M(A)

26.12.1989
wednesday

M.A. 1078/90
in
O.A. 906/89

Condone delay in filing
Counter ordered.

(JNM)

(RBS)

5.8.91

Adjourned to 14.8.91 at the
request of applicant's counsel

30.8.91

JNM DSR
M(J) 2 M(A)

Adjourned to 6.9.91
at the request of applicant's counsel

7-10-91

JNM DSR
M(J) 2 M(A)

Adjourned to 25.10.91 at the
request of applicant's counsel

JNM DSR
M(J) 2 M(A)

Applicant covered at print

Port of for two months

AT 885 of AT 888

NOJ (NOJ) (NOJ)

28-10-91

not covered as 28.1.92

at the request of applicant

covered

AT 885

AT 888

AT 906/89

covered control for the applicant

closed. Let the matter be left

on 27.3.91 for leaving

with AT 885/89

AT 885

S80 G.V. Subba Rao, learned counsel for the applicant present. Let the case for final hearing postponed d.e. on 27-3-92.

(HCSA) (HCSA) (HCSA)

29-3-92

2013/01