

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

D.A.No.907/89.

Date of Order : 20-12-1989.

K.Tirupathaiah & 4 others

...Applicants

Versus

The Divisional Railway Manager (BG),
South Central Railway, Secunderabad,
& 2 others.

...Respondents

✓ Counsel for the Applicants : M/s P.Krishna Reddy
P.Sridhar Reddy
P.Sarada.

✓ Counsel for the Respondents : Shri P.Venkatarama Reddy

CORAM:

✓ HONOURABLE SHRI D.SURYA RAO : MEMBER (JUDL) (I)

✓ HONOURABLE SHRI R.BALA SUBRAMANIAN : MEMBER (A)
(Judgment dictated by Hon'ble Shri
D.Surya Rao, Member (J)).

The applicants herein ^{have} filed this application seeking a direction to the respondents to absorb them as Yard Porters in the pay-scale of Rs.750-940 consequent on their having been empanelled for absorption in that category by ^{issued by the Broad Gauge Division of S.C. Railway.} the ^{on} order No.C1/536/CL/R dated 26-10-87. It is the case of the applicants that they were subjected to a screening, which was conducted on different dates i.e. on 28-7-87, 29-8-87, 5-9-87 and 19-9-87. After the screening, a list of empanelled candidates for absorption as Yard Porters in the scale of Rs.750-940 in the operating Department was published. The names of the applicants are listed as Serial

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Nos. 23, 26, 27, 30 and 40. They were further subjected to a Medical Examination and declared fit for Class A-II. Despite being empanelled and having been passed the medical examination the applicants were not given employment. They therefore represented to the Divisional Railway Manager (BG), South Central Railway, Secunderabad about the injustice done to them. Later they learnt that the South Central Railway Mazdoor Union had represented to the respondents that the applicants have been empanelled on the basis of bogus certificate cards produced by them and that they ~~were~~ ^{had} not worked under the Station Superintendent, Bhadrachalam Road. The applicants thereupon represented to the respondents and the Union placing before them the certificate cards and also ~~to prove that they had in fact worked as casual labour at Bhadrachalam Road live register where their names are included. They also~~ ^{an} stated that the 2nd applicants name alone ~~was~~ not found in the live register, but this is due to a mistake. It is contended that, on this representation the Divisional Railway Manager (BG), sent a reply rejecting the claim of the applicants for appointment. In this letter it is stated that the enquiry revealed that the applicants have not worked as Casual Labours at Badhrachalam Road Station and therefore they cannot be empanelled for regular absorption in class IV categories in Operating Department. It is in these circumstances the application is filed.

2. We have given notice before admission to the respondents. We have heard the learned counsel for the

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To:

- ✓ 1. The Divisional Railway Manager, (Broad Gage), south Central railway, Secunderabad.
- ✓ 2. The Assistant Personnel officer (Broad Gage), south central railway, secunderabad.
- ✓ 3. The Station superintendent, south central railway, Badradhalam Road, Khammam district.
- ✓ 4. One copy to Mr.P.Krishna Reddy, Advocate, 3-5-899, Himayatnagar, Hyderabad-29.
- ✓ 5. One copy to Mr.P.Venkatarama Reddy, SC for Railways, CAT, Hyderabad.
- ✓ 6. One ~~copy~~ spare copy.

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applicant Shri P.Krishna Reddy and the learned Standing Counsel for the Railways. The short question which arises for determination is whether the applicants are entitled for empanelment and regular absorption as Yard Porters. Their names were deleted from the list of empanelled candidates by an order dated 20-9-1988. But it does not reveal that the applicants were heard or that any notice was given to them before their names were sought to be deleted from empanelment list. Principles of natural justice require that such a notice should have been given to them. In the circumstances the application is disposed of with a direction to the respondents to issue a notice to the applicants to show cause why their names should not be deleted from the list of empanelled candidates bringing out all the circumstances and facts which establish that the cards produced by them are bogus. After such notice an opportunity to make a representation on the said notice should also be given to them and only thereafter their representations should be disposed of. With these directions the application is disposed of but without costs.

D. Surya Rao
(D.SURYA RAO)
Member (J)

R. Bala Subramanian
(R.BALA SUBRAMANIAN)
Member (A)

Dt. 20th December, 1989.
Dictated in open court.

avil.

S. Venkateswaran
DEPUTY REGISTRAR
aln/f

~~28/12~~
Draft by: Checked by: Approved by
D.R.(J)

Typed by: --- Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR. B. N. JAYASIMHA, (V.C.)
AND

HON'BLE MR. D. SURYA RAO: MEMBER (JUDL)

HON'BLE MR. D. K. CHAKRAVORTY: MEMBER: (A)
AND
HON'BLE MR. J. NARASIMHA MURTHY: MEMBER (J)

DATED: 20-12-89.

ORDER/JUDGMENT

M.A./R.A./C.A./No. *17*

T.A. No.

(W.P. No.)

O.A. No. 907/89

Admitted and Interim directions
issued.

Allowed.

Dismissed.

Disposed of with direction, without costs.

M.A. Ordered.

No order as to costs.

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