

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

D.A.No. 203 of 1990

Date of order:23-3-1990.

Between:-

Raghunath Laxman.

...Applicant.

and

1. Divisional railway manager(BG) south central railway, Sec'bad.
2. Senior Divisional Engineer(BG) south central railway, Sec'bad.
3. Senior Divisional personnel officer(BG) south central railway, Sec'bad.
4. Assistant Engineer(General)(BG) south central railway, Sec'bad.
5. Chief Bridge Inspector, South central railway, Kazipet.
6. Pochaiah Narsaiah, Erector Gr.II, CBRI/KZJ Kazipet.

...Respondents.

FOR THE APPLICANT : Mr.P.Krishna Reddy, Advocate.

FOR THE RESPONDENTS : Mr.N.R.Devaraj, SC for Railways.

CORAM: THE HON'BLE MR.B.N.JAYASIMHA: VICE CHAIRMAN.
THE HON'BLE MR.D.SURYA RAO: MEMBER:(JUDL)

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

It is ordered that the Interim orders directed by this Tribunal on 9-3-1990 shall continue to operate until further orders and it is further ordered to post the main case after six weeks for final hearing.

TO:

1. The Divisional Railway Manager(BG) south central railway, Sec'bad.
2. The senior Divisional Engineer(BG) south central railway, Sec'bad.
3. The Senior Divisional personnel officer(BG) south central railway, sec'bad.
4. The Assistant Engineer(General)(BG) south central railway, Sec'bad.
5. The Chief Bridge Inspector, south central railway, Kazipet.
6. One copy to Pochaiah Narsaiah, Erector Gr.II, CBRI/KZJ, Kazipet.
7. One copy to Mr.P.Krishna Reddy, Advocate, 3-5-899, Himayatnagar, Hyd.
8. One copy to Mr.N.R.Devaraj, SC for Railways., CAT, Hyderabad.
9. One spare copy.

k.j.

W.H.B.P
28/3/90

Draft by: Checked by: Approved by:
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

~~Main case to be posted after 6 weeks for final hearing~~
HON'BLE MR. B. N. JAYASIMHA: (V.C.)

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

A N D

HON'BLE MR. J. NARASIMHA MURTHY: (M) (J)

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

DATED: 23.3.90

ORDER/JUDGMENT:

M.A./R.A./C.A./No. in

T.A. No. (W.P. No.)

D.A. No. 203/90

Admitted and Interim
directions issued.

Allowed.

Dismissed for default.

Dismissed.

Disposed of with direction.

M.A. ordered.

No order as to costs.

Sent to ~~Examiner: Central Administrative Tribunal~~
CESPATCH

29 MAR 1990

HYDERABAD BENCH.

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A. No.203/90

Date of Order:14.07.1993

Between

Raghunath Laxman

.. Applicant

and

1. Divisional Railway Manager(BG)
South Central Railway,
Secunderabad
2. Senior Divisional Engineer(BG)
South Central Railway, Secunderabad
3. Senior Divisional Personnel Officer(BG)
South Central Railway
Secunderabad
4. Assistant Engineer(General)(BG)
South Central Railway, Secunderabad.
5. Chief Bridge Inspector,
South Central Railway
Kazipet
6. Pochaiah Narasaiah
Erector Gr.II, CBRI/KZJ
Kazipet

.. Respondents

Counsel for the Applicant

:Mr P.Krishna Reddy

Counsel for the Respondents

:Mr NR Devraj, Sr CGSC
Mr PV Ravindrakumar
for R6

CORAM:

HON'BLE SHRI A.B. GORTHI, MEMBER(ADMN)

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

(Order of the Division Bench delivered by

Hon'ble Shri A.B.Gorthi, Member(Admn))

The applicant, who is working as Erector Gr.II
South Central Railway claims in this application, that
he should be considered for promotion to the post of
Erector Gr.I as Scheduled Caste candidate and that, the

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respondents were improperly considering one Sri Pochaiah Narasiah (Respondent No.6) who is neither senior to him nor is a Scheduled Caste Candidate.

2. The applicant states that he ~~had~~ joined the Railways on 19.8.1963, and Respondent No.6 having joined service on 19.2.1964, the latter should be junior to him. Moreover, while the applicant is a scheduled caste candidate, Respondent No.6 is a candidate belonging to other communities. One post of Erector Gr.I fell vacant and the respondents besides trade testing the applicant, have also called the Respondent No.6 for the same trade test as the vacancy in the post of Erector Gr.I was reserved for Scheduled Caste candidate. The applicant protested to the concerned authorities but without any success.

3. The Respondents, in their reply affidavit ^{amended} have indicated various seniority lists. The seniority lists for the years 1976, 1984 and 1989 clearly show that in all the said seniority lists Pochaiah Narasaiah (Respondent 6) was placed above the applicant. It is thus clear, that the applicant is not senior to Respondent 6.

4. As regards the question of Caste of Respondent No.6, the said respondent has filed a separate counter affidavit and annexed thereto the School Certificate, as also, a Caste Certificate issued to him in 1963 and 1964 respectively. The School Certificate shows the

..3..

20/10/2010

To

1. The Divisional Railway Manager (BG) S.C.Rly, Secunderabad.
2. The Senior Divisional Engineer (BG) S.C.Rly, Secunderabad.
3. The Senior Divisional Personnel Officer (BG) S.C.Rly, Secunderabad.
4. The Assistant Engineer (General) (BG) S.C.Rly, Secunderabad.
5. The Chief Bridge Inspector, S.C.Rly Kazipet.
6. One copy to Mr. P. Krishna Reddy, Advocate, CAT.Hyd.
7. One copy to Mr. N. R. Devraj, Sr.CGSC.CAT.Hyd.
8. One copy to Mr. P. V. Ravindrakumar, Advocate, 1-9-1122/1/A Vidyanagar, Hyderabad.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

pvm

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caste of Pochaiah Narasaiah as 'Madiga'. The caste certificate ~~also~~ indicates that Pochaiah Narasaiah belongs to 'Madiga' community, which is recognised as a Scheduled Caste under the Scheduled Castes and Scheduled Tribes List (Modification) Order 1956. In view of this, there cannot be any doubt that Respondent 6 also belongs to Scheduled Caste. The misapprehension ~~in the mind~~ of the applicant seems to have crept in ~~from~~ from the fact that in some of the seniority lists the said Sri Pochaiah Narasaiah (Respondent No.6) was not shown as belonging to Scheduled Caste. Notwithstanding the said lapse, we are fully satisfied from the records placed before us that Respondent No.6 also belongs to Scheduled Caste. He (Pochaiah Narasaiah), being senior to the applicant as per the seniority ~~official~~ lists annexed by the respondents to their reply, we find that no injustice has been done by calling Respondent No.6 for Trade Test for promotion to the post of Erector Gr.I.

5. In the result, the application does not succeed and hence, the OA is dismissed hereby without any orders as to costs.

T. C. — — — — —
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Signature
(A. B. GORIHI)
Member (Admn)

Dated: 14th July, 1993

(Dictated in the open court)

mvl

8/9/93
Deputy Registrar (J)

8/9/93

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 14-7-1993

ORDER/JUDGMENT:

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

in

O.A. No. 203/90.

T.A. No.

(w.p.)

Admitted and Interim directions
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/ Ordered

No order as to costs.

pvm

