

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH :HYDERABAD.

O.A.NO / T.A.No. 153 1990

Applicant(s)

versus

Respondent(s)

DATE	OFFICE NOTE	ORDERS
22-3-90	Shri G.Ramachandra Rao-P Shri N.R.Devaraj, SC for Rlys - P	The applicant herein seeks to question order No.P(C) 50/1990 (Proceedings No.P(C)535/Cate.Insp/IX) dated 6-3-90 passed by the 2nd respondent promoting respondent No.4 to the cadre of Senior Catering Inspector from the post of Dr. Catering Inspector. It is alleged that the Junior of the applicant has been promoted and that no reasons have been given for overlooking the applicant. Under rule 212, subclause (b) of Indian Railway Establishment Manual, if a senior Railway Servant is passed over when filling up a non-selection post the authority making the promotion shall record reasons for such supersession. 2. We have heard Shri G.Ramachandra Rao, counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for Railways who takes notice at the admission stage. In regard to the query as to remedies exhausted, the applicant states that there is no statutory remedy provided to him and any representation made without statutory basis is ineffective. 3. We are unable to agree with this contentiontion. Rule 18, para iv (a) of the Railway Servants Discipline and Appeal Rules (S.T.O). provides that a Railway employee can prefer an appeal against any order an which denies or varies to his disadvantage his pay, allowances pensions, P.F.Benefits, service gratuity or

contd..2.

DATE	OFFICE NOTE	ORDERS Y
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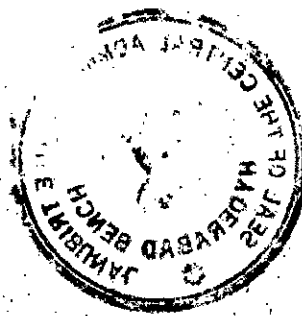
other conditions of service . A right to promotion is a condition of service. Consequently the applicant has a statutory right of appeal against the impugned order which denies him the right to promotion. Section 20 of the Administrative Tribunals Act, 1985 requires that the Tribunal should not ordinarily admit an application unless the applicant exhausts all remedies available to him under the relevant service rules as to redressal of grievances. Since the applicant has not done so, the application is premature and is accordingly dismissed. No costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

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

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Case Number	OA. 253/90
Date of Judgement	22-3-90
Copy made ready on	17-4-90
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Section Officer (J)	



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

ORIGINAL: HYDERABAD BENCH

S.A.No. 253 of 1990

Date of order: 2-3-1991

Between:-

T. Dalaram Raddy.

...Applicant.

and

1. Union of India per General Manager, south central railway, Secunderabad.
2. Chief personnel officer (administration) south central railway, Mail Milayam, Sec'bad.
3. Sri R. Satyanarayana, Asst. Catering Inspector, Catering Unit, south central railway, Vijayawada.

...Respondents.

FOR THE APPLICANT: Mr. G. Ramachandra Rao, Advocate.

FOR THE RESPONDENTS: Mr. T. N. Devaraj, C for Railways.

FOR THE PETITIONER: Mr. T. N. JAYATHIMA, VICE CHAIRMAN.

THE PETITIONER: Mr. T. N. JAYATHIMA, VICE CHAIRMAN.

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

The applicant herein seeks to question order No. 2(C)53/1990 (proceedings No. 2(C)535/Cate.Insp/IX) dated 6-3-90 passed by the 2nd respondent promoting respondent 1 to the cadre of Junior catering Inspector from the post of Jr. Catering Inspector. It is alleged that the Junior of the applicant has been promoted and that no reasons have been given for overruling the applicant. Under Rule 212, subclause (b) of Indian Railway Servants' Rules, it is provided that when filling up a non-selection post the authority making the promotion shall record reasons for such supersession.

2. I have heard Sri G. Ramachandra Rao, counsel for the applicant and Sri T. N. Devaraj, learned standing counsel for railways who takes notice at the admission stage. In regard to the remedy as to remedies exhausted, the applicant states that there is no statutory remedy provided to him and any representation made without statutory basis is ineffective.

3. We are unable to agree with this contention. Rule 1, para iv(a) of the Railway Servants' Rules and Appendix provided that a railway employee can prefer an appeal against any order which denies or varies to his disadvantage his pay, allowances, pensions, P.F. benefits, service gratuity or other conditions of service. A right to promotion is a condition of service. Consequently the applicant has a statutory right of appeal against the order which denies him the right to promotion. Section 23 of the Administrative Tribunal Act, 1985 requires that the Tribunal should not ordinarily admit an application unless the applicant exhausts all remedies available to him under the relevant service rules as to redressal of grievances. Since the applicant has not done so, the application is premature and is accordingly dismissed. No costs.

d/- x x x x x
T. N. JAYATHIMA
Vice Chairman

Sd/- x x x x x
(D. SCRYA S. S.)
Registrar (Judl)

// True copy //

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Court Officer
Hyderabad Bench

1. The General Manager, (Union of India) south central railway, Secunderabad.
2. The Chief personnel officer (administration) south central railway, Mail Milayam, Secunderabad.
3. Sri R. Satyanarayana, Asst. Catering Inspector, Catering Unit, south central railway, Vijayawada.
4. One copy to Mr. G. Ramachandra Rao, Advocate, 3-4-400, Secunderabad.
- (1) to Mr. T. N. JAYATHIMA, Hyderabad-500 027.
5. One spare copy.

⑤ Estt manual with a Senior Railway