

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 343/90

DATE OF JUDGEMENT: 28-2-1994

Between

1. G. Ramanuja Rao
2. M.V.D. Prasada Rao
3. P. Madhava Rao
4. S.K. Basha

.. Applicants

and

1. The Divisional Railway Manager,
Hyderabad MG Division
South Central Railway
Secunderabad
2. The Divisional Railway Manager,
Secunderabad BG Division
South Central Railway
Secunderabad
3. The Divisional Operating
Superintendent,
Hyderabad MG Division
South Central Railway
SECUNDERABAD

.. Respondents

Counsel for the Applicant

:: MR GV Subba Rao

Counsel for the Respondents

:: MR NR Devraj, Sr.CGSC

CORAM:

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

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

T. C. M. J.

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JUDGEMENT

(As per Hon'ble Shri T. Chandrasekhara Reddyk Member(J))

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to absorb the applicants in Secundérabad BG Division on the basis of the options exercised by them with all consequential benefits such as seniority, promotion, etc. with effect from the date on which their juniors were promoted to the posts of higher grade and pass such other order or orders as may deem fit and proper in the circumstances of the case.

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

3. The applicants in this OA are four in number. All the applicants, after completion of pre training have joined the duties in the Secunderabad BG Division on 23.11.62, 12.12.61, 03.12.62 and 05.10.62 respectively. The erstwhile Secunderabad division was bifurcated into Broad Gauge and Meter ~~A~~ Gauge division in 1977. The Guards category of secunderabad Division was also bifurcated into Secunderabad BG Division and Hyderabad MG Divisions. According to the applicants, this bifurcation of Guards was made on 15.8.83. Before this bifurcation all the guards of the erstwhile Secunderabad Division were asked to exercise their option as to whether they would like to work in BG division or in MG Division. The guards were also issued option forms for exercising option. The applicants had opted to go to Broad Gauge division. It is the grievance of the applicant that they continued to work as passenger guards only in the MG division without any promotions, whereas ~~his~~ ^{Their} juniors in the BG Division had been promoted and so, a direction is liable to be given to the respondents to absorb them in BG Division as per the option which they had exercised when

Copy to:-

1. The Divisional Railway Manager, Hyderabad MG Division, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, Secunderabad BG Division, South Central Railway, Secunderabad.
3. The Divisional Operating Superintendent, Hyderabad MG Division, South Central Railway, Secunderabad.
4. One copy to Sri. G.V. Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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the bifurcation of Guards took place. Hence, the present OA is filed by the applicants for the relief(s) as already indicated above.

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

5. We have heard in detail Mr GV Subba Rao, Counsel for the applicants and Mr NR Devraj, Standing Counsel for the respondents.

6. OA 288/90 is filed by one Sri S. Krishnamurthy for the very same relief(s) as prayed for by the applicants in this OA.

As could be seen, the applicants at Sr.Nos. 1, 3 and 4 have already been promoted as Guard 'A' with effect from 27.02.1984. The 3rd applicant herein, Mr P. Madhava Rao, has been promoted as Guard 'A' Spl. Grade w.e.f. 25.4.1986 and is working at Purna (MG Division). Applicants in Sr.Nos. 1, 3 and 4 have also got promotions as Guard 'A' Spl. Grade and Express Guards later on. OA 288/90 is being dismissed today by separate orders for the reasons mentioned therein. As the applicants herein also stand in the similar footing to the applicant in OA288/90, the reasons and observations made in OA288/90 will apply mutatis mutandis to the applicants in this OA also. Hence, this OA is also liable to be dismissed and is accordingly dismissed leaving the parties to bear their own costs.

7. Enclose a copy of the Judgement in OA 288/90, to this Judgement also.

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(T.CHANDRASEKHARA REDDY)
Member (Judl.)

J
(A.B. GORI THI)
Member (Admn)

Dated: 28-2-1994

mvl

Dy. Regt
M.R.

