

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA No.1011/90.

Date of Order:17-12-1990.

T.Venkat Rao

....Applicant

Vs.

1. The General Manager,
South Central Railway,
Secunderabad.

2. The Divisional Railway Manager,
Personnel Branch, Hyderabad(MG)/
Secunderabad.

....Respondents

Counsel for the Applicant : Shri L.Nageswara Rao

Counsel for the Respondents : Shri Jalli Siddaiah, SC for Rlys

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE CHAIRMAN

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J) (II)

(Order of ~~the~~ Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

The applicant is an AC Mechanic in the South Central Railway, Hyderabad. He has filed this application aggrieved by the memo No.YP/535/Elec/Sup/LOCE dated 29-11-1990 under which his name has been deleted on the ground that he is not eligible for consideration for the post of Apprentice Mechanic (Elec) from the list of candidates who had been declared eligible for viva-voce test.

2. The applicant state that he had applied for the post of AC Mechanic in the grade Rs.260-400 pursuant to a notification calling for applications for appointment to the said post. He was selected as a Trainee AC Mechanic and after

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successful completion he was absorbed on regular basis on 1-8-1983. He was promoted in February, 1988 to the post of AC Mechanic Grade-I after passing the requisite trade test. In November, 1988 the 2nd respondent had notified the proposal to conduct selection for appointment as Apprentice Mechanics (Electrical) in the Grade Rs.1400-2300. The conditions for selection of Apprentice Mechanics (Elec) have been stated in the office order dt.7-11-1988. The applicant states that he fullfills all the requirements. The 2nd respondent in his order dt. 8-11-1989 notified that seven persons had qualified in the written test and eligible for viva-voce test and the applicant's name was shown against Sl.No.4. While this was so, by issuing the impugned proceedings the 2nd respondent deleted the name of the applicant from the eligible candidates list. The applicant submitted a representation to the Respondents on 5-12-1990, but so far it has not been disposed-of. Without considering the representation dt.5-12-1990, the 2nd respondent called five persons for viva-voce test fixing the date for 18-12-90. Hence he filed this application contending that the deletion of his name is arbitrary and illegal.

3. We have heard Shri L.Nageswara Rao, learned counsel for the applicant and Shri Jalli Siddaiah, learned standing counsel for the Respondents. The applicant submitted representation dt.5-12-1990 and the respondents have yet to dispose-of his representation. Shri Nageswara Rao states that the

applicant is compelled to approach this Tribunal even before his representation could be disposed-of by the respondents as the viva-voce test has been fixed on 18-12-1990 without calling the applicant for the interview. If the applicant is not tested along with the others, it will cause irremediable prejudice to his prospect of promotion, in the event it is held that he fulfills the requirements for the post of Apprentice Mechanic (Elec).

4. Shri Siddiah states that the application is premature as the applicant has submitted a representation only on 5-12-1990 and he has rushed to this court even before the respondents had time to consider the representation. He also states that if it is found that the deletion of the name of the applicant is not proper, the respondents can separately call him for viva-voce test. On a consideration of these submissions, we direct the Respondent No.2 to interview the applicant also along with the five other candidates to whom intimations has been given by the memo dt.14-12-1990. The respondents will also dispose of the representation dt.5-12-1990 of the applicant within a period of two weeks from the date of receipt of this order and if his contentions are acceptable and he is found eligible for the post of Apprentice Mechanic (Elec) and if he is selected in the interview to be held on

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18-12-1990, the applicant will be promoted in accordance with his position in the merit list. The application is disposed-of as premature with the above directions. No order as to costs.

B.N.Jayashimha

(B.N.JAYASIMHA)
Vice-Chairman

MS

(J.N.MURTHY)
Member (J)(II)

Dated: 17th December, 1990.
Dictated in Open Court.

Deputy Registrar (Judl)

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To

1. The General Manager, S.C.Railway, Secunderabad.
2. The Divisional Railway Manager,
Personnel Branch, Hyderabad (MG)/Secunderabad.
3. One copy to Mr.L.Nageswara Rao, Advocate.
6-3-609/170, Anandanagar Colony, Khairatabad, Hyd.
4. One copy to Mr.Jalli Siddaiah, SC for Rlys, CAT.Hyd.
5. One copy to Hon'ble Mr.J.Narasimha Murty, Member (J) CAT.Hyd.
6. One spare copy.

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CHECKED BY
TYPED BY

APPROVED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.
AND

THE HON'BLE MR. D. SURYA RAO : M(J)
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)
AND

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

DATE: 24-9-

~~ORDER~~ / JUDGEMENT:

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

in

T.A. No.

W.P. No.

O.A. No. 1011/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

