

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; HYDERABAD BENCH
HYDERABAD

•••

O.A.No. 110 of 1991

Dt. of Decision: 1-2-1991

Between:-

A.Venkatarama Ramakrishnaiah
@ Venkataramana ..

Applicant

and

1. The Divisional Railway Manager (M.G.), South Central Railway, Secunderabad.
2. The Senior Divisional Personnel Officer (M.G.), South Central Railway, Secunderabad.
3. Bridge Inspector, Hyderabad (M.G) Division, South Central Railway, Secunderabad.
4. Bridge Inspector (M.G) Division, Poorna, South Central Railway.
5. Sri Jangaiah, S/o.Balaiah, Rivetter, under Bridge Inspector (M.G), S.C.Railway, Sec'bad.
6. Sri P.K.Chandra Krishna Nair, Erector, under Bridge Inspector (M.G.), S.C.Railway, Sec'bad.

..

Respondents

Appearance:

For the applicant : Shri P.Krishna Reddy, Advocate.

For the respondents : Shri N.V.Ramana, Standing Counsel
1 to 4 for Railways.

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

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

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE VICE-CHAIRMAN,
SHRI B.N.JAYASIMHA.

1. The applicant is working as an Erector under the

B.N.J

.../...

Bridge Inspector (M.G.), South Central Railway, Secunderabad. He has filed this application against the order of transfer issued by the Senior Divisional Personnel Officer (Meter Gauge), Secunderabad, in his order No. YP/Engg/131 Decasualisation Scheme II, dated 5-11-1990.

2. The applicant states that he joined the Railways on 3-3-1978 as a Casual Skilled Artisan-Erector/Riveter and was posted to work under the 3rd respondent. He was given temporary status from 15-4-1981 by an order dated 25-4-1981. He has been working as Skilled Artisan for more than 12 years. In the Decasualisation scheme towards 37½% quota meant for direct recruits, he was appointed as Skilled Artisan in a regular establishment and was retained in the place where he was working under the 3rd respondent.

3. While this was so, the respondent No.5, who was promoted in October/November 1987, as Riveter, was posted to work under respondent No.4 i.e. Bridge Inspector, Meter Gauge Division, South Central Railway, Poorna, in an existing vacancy. He refused to go there on transfer and after one year he was once again offered the promotion and was posted under the respondent No.4. There is only one post of Skilled Artisan allotted to Hyderabad and it was filled up by appointing the applicant. There is no other vacancy of Skilled Artisan under respondent No.3. A Khalasi, who refused promotion for more than 2 years, cannot be promoted automatically without holding a necessary trade test once again. Inspite of the same, by an order dated 30-4-1990, respondent No.5 was once again promoted as a Skilled Artisan and was posted to work under respondent No.4. Subsequently by an order dated 5.11.1990, he was

.../...

posted to work under 3rd respondent and the applicant was posted to work under 4th respondent. Aggrieved by this order, the applicant submitted a representation dated 8-11-1990 to the 1st respondent and also got issued a notice dated 12-11-1990. So far no orders have been passed. The applicant has been granted 15 days leave and thereafter 20 days leave as he reported sick by producing a certificate from a Railway Doctor. Aggrieved by the order dated 5.11.1990, he has preferred this application.

4. We have heard Shri P.Krishna Reddy, learned Counsel for the applicant, and Shri N.V.Ramana, learned Standing Counsel for the Railways, on behalf of respondents 1 to 4.

5. Shri N.V.Ramana, learned Standing Counsel, states that the applicant submitted a representation on 8.11.1990 and also got issued a notice dated 12.11.1990. Even before the respondents could have passed the orders, the applicant has approached this Tribunal and therefore this application is barred under section 21 of the Administrative Tribunals Act 1985. Shri Krishna Reddy, Counsel for the applicant, however, states that if the applicant has to move to the new place, it will cause considerable hardship and the respondents have not passed any interim orders on his representation

6. Shri N.V.Ramana, learned Standing Counsel for Railways, states that the Railways have not received the representation stated to have been submitted by the applicant on 8.11.1990. Shri Krishna Reddy states that he will furnish a copy of the same within a week.

BNR

.../...

7. On a careful consideration of these submissions, we are of the view that the respondents be directed to dispose of the representation dated 8.11.1990 submitted by the applicant, within a period of 3 weeks from the date of receipt of this order. Until the disposal of his representation, the respondents shall retain the applicant in any Class-III post in Secunderabad.

8. With the above direction, the application is disposed of. There is no order as to costs.

(DICTATED IN OPEN COURT)

B.N.Jayashimha

(B.N.JAYASIMHA)
VICE-CHAIRMAN

M.S

(J.NARASIMHA MURTHY)
MEMBER (JUDICIAL)

nsr.

Date: 1st Feb., 1991

TO

D. Deekshitharao
Pw Deputy Registrar (J.)

1. The Divisional Railway Manager (MG), SC. Railways, Secunderabad.
2. The Senior Divisional Personnel Officer (MG), SC. Rly, Secunderabad.
3. The Bridge Inspector, Hyderabad (MG) Division, SC. Rly, Secunderabad.
4. The Bridge Inspector, (MG) Division, Poorna, S.C. Railway.
5. Sri. Jangaiah, Rivetter under Bridge Inspector (MG), SC. Railway, Secunderabad,
6. Sri. P. K. Chandra Krishna Nair, Erector, Under Bridge Inspector, M.G., S.C. Railway, Secunderabad.
7. One Copy to Mr. B. Krishna Reddy, Advocate, CAT., Hyderabad.
8. One Copy to Mr. N. V. Ramana, SC. for Railways, CAT., Hyderabad.
9. One Spare Copy.

VGB.

W.M. P. Deekshitharao