

88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 144/91 & 145/91.

Dt. of Order:29-3-94.

R.Ponnuswamy

....Applicant in both OAs

Vs.

1. Union of India rep. by the
General Manager, SC Rlys,
Rail Nilayam, Sec'bad. (AP).
2. Chief Personnel Officer,
SC Rlys, Sec'bad. (AP).
3. Divisional Railway Manager (Personnel),
SC Rlys, Guntakal, Anantapur District (AP).
4. Shri N.Neelakantan

.....Respondents in OA 144/91

1. Union of India rep. by the
General Manager, SC Rlys,
Rail Nilayam, Sec'bad (AP).
2. Chief Personnel Officer, SC Rlys,
Sec'bad, AP.
3. Divisional Railway Manager (Personnel),
SC Rlys, Guntakal, Anantapur District (AP).
4. Shri C.Rangaswamy
5. Shri N.S.Janardhan

....Respondents in OA 145/91

Counsel for the Applicant : Shri T.Lakshminarayana

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

.....2.

11/4/94
JL

89

J U D G E M E N T

{ AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN }

Heard Shri T. Lakshminarayana, learned counsel for the applicant and also Shri N.V. Ramana, learned standing counsel for the respondents.

2. The applicant in both the OAs is same. As some of the facts are common for consideration of these two OAs, they can be conveniently disposed of by a common order.


3. The applicant who was working as Confidential Assistant in Guntakal Division was transferred as Sr. Stenographer to the CMA office, Secunderabad by order dated 13.9.90 and the order reverting the applicant as Sr. Stenographer was passed on 17.9.90. The applicant filed OA 144/91 praying for direction to the respondents 1 to 3 to restore the applicant to the post of Confidential Assistant and to re-transfer him to Guntakal Division. OA 145/91 was filed praying for declaration that the order of promotion of Respondents 4 & 5 is illegal and for declaration that he is entitled to the post of Confidential Assistant.

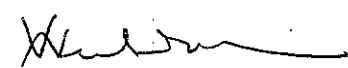
4. During the pendency of these two OAs, the applicant was re-transferred to Guntakal Division as Senior Stenographer. In view of the same, the applicant is not pressing the two OAs. Accordingly, the OAs have to be dismissed.

(90)

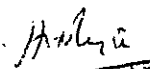
5. But during the pendency of OA 144/91, the applicant was permitted to continue in the quarters allotted to him in Guntakal. It is now stated that the respondents 1 to 3 in OA 144/91 may be restrained from collecting penal rent for any period. As it is a case of re-transfer of the applicant to Guntakal Division on consideration of his representation and the applicant is not pressing these two OAs, in view of that re-transfer, we feel that it is not a case where penal rent has to be collected especially when the applicant was allowed to continue in the quarters in view of the Interim order of this Tribunal.

6. In the result, OA 145/91 is dismissed as withdrawn. OA 144/91 is also dismissed as withdrawn but Respondents 1 to 3 are restrained from collecting penal rent in regard to the quarters in which the applicant was allowed to continue in view of the Interim orders of this Tribunal.
No costs.


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated 29th March, 1994
Open court dictation


Deputy Registrar(J)

NS

To

1. The General Manager, Union of India,
S.C.Rlys, Railnilayam, Secunderabad. A.P.
2. The Chief Personnel Officer, S.C.Rlys, Secunderabad A.P.
3. The Divisional Railway Manager(Personnel)
S.C.Rlys, Guntakal, Anantapur Dist.A.P.
4. One copy to Mr.T.Lakshminarayana, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Ramana, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

3-32 J-7
R-SC
7-19-94