

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::  
AT HYDERABAD.

O.A.No. 562/91.

Date of Judgment: 10-1-1992

Between:

P. Kamalakar .. . . . . Applicant

Vs.

1. Senior Divisional Personnel Officer, South Central Railway, Guntakal.
2. Statistics and Analysis Officer, South Central Railway, Secunderabad.
3. Chief Personnel Officer, South Central Railway, Secunderabad.
4. D.Narsimhulu, Head Clerk, Statistical Branch, O/o the Sr.Divisional Mech.Engineer (LOCO), S.C.Rly., Guntakal .. . . . Respondents

Counsel for the Applicant : Shri G.V. Subba Rao

Counsel for the Respondents : Shri Jalli Siddaiah, Standing Counsel for Railways.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (A)

HON'BLE SHRI T. CHANDRASEKHAR REDDY, MEMBER (J)

X Judgment as per Hon'ble Shri R.Balasubramanian, Member (A) X

This application is filed by Shri P.Kamalakar against Senior Divisional Personnel Officer, South Central Railway, Guntakal and 3 others. Shri D.Narsimhulu is Respondent No.4. The prayer in this application is to direct the respondents to continue the applicant as Chief Clerk in the scale of Rs.1600-2660 till such time a regularly selected candidate is posted against the vacancy in which the applicant is presently officiating.

2. The applicant was initially appointed as a Clerk in the Rayanpadu Wagon Workshop on 28-4-1981. He was promoted as Head Clerk with effect from 1-1-1984. While working as such the applicant was promoted to officiate as a Chief Clerk in the grade of Rs.1600-2660 with effect from 23-1-1990 on adhoc basis. The selection to the post of Chief Clerk was conducted by the Chief Personnel Officer. The applicant was not included in the panel. However, by an order dated 7-5-1991 bearing No.ST/P/608/CC/IV D (pg.8 of the material paper) the applicant was reverted. By another order bearing No.STT/P/535 dated 15-5-1991, Sri D.Narasimhulu (Junior to the applicant) was issued with posting orders as adhoc Chief Clerk to replace Shri P.Kamalakar, already reverted by orders dated 7-5-1991. It is the grievance of the applicant that Shri D.Narasimhulu who also did not find place in the panel had been ordered to displace him from his adhoc promotion. Hence this application.

3. The respondents have filed counter affidavit and opposed the application. It is their case that inasmuch as the applicant had not passed in the examination, he cannot claim to continue in the adhoc arrangement. They also justified their action in posting Shri D.Narasimhulu (R-4) on adhoc basis on the grounds that while the applicant did not even pass the written test, Respondent No.4 had atleast passed the selection test and was awaiting empanelment.

4. We have examined the case and heard rival sides. We have seen an order bearing No.G/p.535/III/3/Vol.XVIII dated 29-1-1990 issued by the respondents, by which the applicant was promoted as Chief Clerk on adhoc

basis. One of the conditions stipulated therein is that he has to face reversion when a regularly selected incumbent is posted. We have, therefore, only to see whether the replacement of the applicant by Respondent No.4 is in accordance with this condition. We are not accepting the contention of the respondents in the counter that though Respondent No.4 Shri D. Narasimhulu was not in the panel because he was successful in the examination he could replace the applicant. While, <sup>as</sup> at this point, in the course of hearing Shri Jalli Siddaiah, learned counsel for respondents produced a copy of the South Central Railway Head-quarters Office letter bearing No.ST/P/608/CC/IV dated 10-10-1991, which has been taken on record. This letter states that consequent on the Judgment of Central Administrative Tribunal, Hyderabad in O.A.No.629 of 1988 dated 1-5-1991, the name of Sri D.Narasimhulu (R-4) is included in the panel by substituting him in the place of one Smt.R.Bhagyalakshmi already in the panel. That being the position Shri D. Narasimhulu is empanelled and becomes <sup>as</sup> regularly selected candidate. <sup>There</sup> is, therefore, nothing wrong in the respondents replacing the applicant with Shri D.Narasimhulu (R-4) a regular candidate.

5. At this point, however, Shri G.V.Subba Rao, learned counsel for the applicant vehemently argued that this letter is only dated 10-10-1991 and the order issued on 15-5-1991 was illegal. <sup>This</sup> But, that is not the issue before us. The prayer in this application is that the applicant be continued and we have already held that his replacement is quite in order. Moreover, the applicant has been retained in the same capacity till date on the strength of

interim orders dated 2-7-1991 and he has not suffered on account of the impugned order.

6. Under these circumstances, we find no justification to interfere in this case and accordingly dismiss the application. No order as to costs.

R.Balasubramanian  
( R.BALASUBRAMANIAN )  
MEMBER (A)

T.Chandrasekhar  
(T.CHANDRASEKHAR REDDY)  
MEMBER (J)

Dated: 10<sup>th</sup> January, 1992.

Dy. Registrar(Judl.)

17/32

Copy to:-

1. Senior Divisional Personnel Officer, S.C.Railway, Guntakal.
2. Statistics and Analysis Officer, South Central Railway, grh. Secunderabad.
3. Chief Personnel Officer, South Central Railway, Secunderabad.
4. One copy to Shri. G.V.Subbarao advocate, H.No.1-1-230/33, Jyothibhavan, Chikkadapally, Hydbad.
5. One copy to Shri. Jalli Siddaiah, SC for Railways, CAT, Hyd.
6. One spare copy.

Rsm/-

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O.A. 562/91

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TYPED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

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

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:  
M(JUDL)

AND

THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

DATED: 10/1 -1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.N.

in

O.A.No.

562/91

T.A.No.

(W.P.No.)

Admitted and ~~interim~~ directions  
issued.

Allowed

Disposed of with directions.

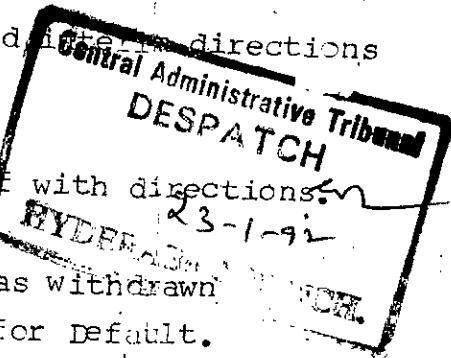
Dismissed 23-1-92

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.



pvm.