

(13)

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

R.P.No. 36/92 in
O.A.No. 1034/91.

Date of order: 17-3-92

Between:

1. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. The Deputy Chief Mechanical
Engineer, Carriage Repair Shop,
Tirupati.
3. The Workshop Personnel Officer,
Carriage Repair Shop., S.C.Rly.,
Tirupati.

... ... Applicants

Vs.

1. Sayed Tarabuddin
2. Sayed Safi Ahmed

.. Respondents

For the applicants : Shri N.V.Ramana, Standing Counsel
for Railways.

For the respondents : Shri P. Ganga Rami Reddy, Advocate.

CORAM:

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

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

X ORDER PASSED IN CIRCULATION AS PER HON'BLE SRI R.BALASUBRAMANIAN,
MEMBER (A) X

.....

This Review Petition is filed by the Chief Personnel Officer,
South Central Railway and two others against Sri Sayed Tarabuddin
and another.

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...2.

The applicants herein were respondents in the O.A. and this application, a review of the Judgment of this Bench dt. 19.12.1991 in O.A.No. 1034/91 ~ is sought for.

2. Review applicants have filed M.A.No. 272/92 seeking condonation of delay of 8 days in filing the Review Petition. We have seen the M.A. and find that there is sufficient cause to condone the delay. Hence, the M.A. is allowed condoning the small delay in filing the R.P. The Review is sought for mainly on three grounds -

- (a) If the directions in the O.A. are to be implemented it amounts to extension of the panel long after it had expired on 19.9.1991. It is apprehended that this extension will be indefinite till all the candidates left over are absorbed in Group 'D' posts.
- (b) the process of selection under Employment Notice No.1/91 is completed and they are ready to act on it, but only waiting for the ban imposed on fresh recruitment to Group 'D' staff to be lifted, and
- (c) if the panel under question is extended, a right also accrues to the left over candidates of other trades of other branches of C.R.S.

3. We have reviewed the case. There is no need whatsoever to keep the panel alive after the expiry. The panel was prepared for recruitment to Group 'C' posts. The direction is not to consider the O.A. applicants for Group 'C' posts. Hence the expired panel does not have to be extended by the Review Petitioners if they are required to act on this panel only for offering Group 'D' posts as directed in the O.A. in a certain order. All that, the Review Petitioners are required

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4. One copy to Sri. N.V.Ramana, SC for Railways, CAT, Hyd-bad.
5. One copy to Sri. P.Ganga Rami Reddy, advocate, 38/3RT, S.R. Nagar, Hyd-38.
6. One spare copy.

Rsm/-

*Notified
P.R.M.*

to do, is to extract the names of the O.A. applicants in ^{in which} the order ^{in which} they were placed in the panel and act on such a list for absorption in Group 'D' posts, treating the original panel as expired. As regards the panel that they had prepared with reference to Employment Notice No.1/91, the direction given in the O.A. after due consideration is clear that before offering employment to other outsiders, the O.A. applicants should be considered first. We do not propose to make any change in that order.

4. Our attention is also drawn to para-9 of the letter dt. 15.4.1991 issued by the Deputy Chief Mechanical Engineer, Carriage Repair Shop, Tirupati which contains the terms and conditions under which the O.A. applicants were offered alternative Group 'D' posts. It is seen from that para that the O.A. applicants have no right to make a request for consideration for posting them in Group 'D' after the expiry of the panel. We wish to point out that this aspect had already been given due consideration before passing the orders in the O.A. In view of the above position, there is no other right accruing to the O.A. applicants for Group 'C' posts.

5. Under these circumstances, we find no cause for Review and accordingly dismiss the Review Petition with no order as to costs.

R.Balasubramanian
(R.Balasubramanian)
Member (A)

C.J.Roy
(C.J.Roy)
Member (J)

Date: 17th March, 1992.

Deputy Registrar (Jud.)

Copy to:-

1. The Chief Personnel Officer, South Central Railway, Rail Nilay, Secunderabad.
2. The Deputy Chief Mechanical Engineer, Carriage Repair Shop, Tirupathi.
3. The Workshop Personnel Officer, Carriage Repair Shop, South Central Railway, Tirupathi.

Contd:...4/-

R.D. No. 36/92 in
O.A. 1034/91.

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

Dated: 17/3 1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No. 36/92 ✓

in

O.A. No. 1034/91 ✓

T.A. No. _____

(W.P. No. _____)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

