

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA No.937/91.

Dt. of Order:1-10-93.

1. A.Ibrahim
2. A.Kasi Viswanath

....Applicants

Vs.

1. The Divisional Railway Manager,  
SC Railway, Guntakal.
2. The Sr.Divisional Personnel Officer,  
SC Railway, Guntakal.
3. Y.K.Suryanarayana,  
Clerk, Office of the  
DSTE(W)/SC Railway/Guntakal.
4. K.Bhagavendra, LRCC,  
SC Railway, Tirupati.
5. V.Ranga Rao, LRCC,  
SC Railway, Tirupati.
6. Md.Rafi, Clerk, Office of the  
Loco Foreman(Steam), SC Railway,  
Guntakal.
7. S.Umar Basha, Clerk,  
Office of the Loco Foreman(Steam),  
SC Railway, Guntakal.

....Respondents

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Counsel for the Applicant : Shri P.Krishna Reddy

Counsel for the Respondents : Shri D.Gopal Rao, SC for Rlys

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contd...2.

CORAM:

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

THE HON'BLE SHRI P.T.THIRUVENGADAM : MEMBER (A)

(Order of the Divn. Bench passed by  
Hon'ble Shri P.T.Thiruvengadam, Member (A) )

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The first applicant in this O.A. was appointed as regular L.R.Porter on 27-8-71. Subsequently he was promoted as Lever man in Class-III post with effect from 1-8-82. He was medically decategorised and posted to work as Caretaker with effect from 4-12-84. The second applicant was directly recruited to the post of Office Clerk in Class-III on 10-12-80 and was posted in Hubli Division. He was transferred to Guntakal Division on bottom seniority as Junior Clerk on 24-11-83.

2. A notification was issued on 26-11-90 by Guntakal Division calling for volunteers from non-technical cadres for filling eight posts of Ticket Collectors against 16.2/3% quota reserved for change of category. Both of the applicants volunteered. As per practice the volunteers were to be selected on the basis of seniority and screening. Accordingly, the Viva-voce test was held on 16-1-91 for screening the candidates. In the final

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list the names of the applicants did not figure and this O.A. has been filed praying for a direction for absorbing the applicants as Ticket Collectors by including their names in the list published by Respondent No.2 on 25-4-1991.

3. Two grounds were advanced in support of the applicants viz. they were not assigned their seniority due to them i.e. from 1-8-82 for 1st applicant and from 10.12.80 for second applicant and no guidelines have been prescribed for the process of screening. Hence the selection is vitiated.

4. We will look into the second contention first. We called for the proceedings of the relevant selection. From these, it is noted that in selecting the candidates seniority alone was not the sole criterion. Some junior 'suitable' candidates have also been empanelled. On a query whether any guidelines had been issued to the committee, the learned counsel for the Respondents stated that no guidelines had been issued as it was not a question of promotion but only a shift <sup>laterally</sup> ~~basically~~ in the same grade. Also the screening committee comprising two senior scale officers and 1 junior scale officer should be expected to be responsible and competent to handle the issue by themselves. The learned counsel for the applicants argued that guidelines must be evolved and followed in such screenings to ensure uniformity. We do not feel that it is a case where guidelines have to be formulated by the department as the screening is not for the purpose of promotion and is entrusted to a committee comprising

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three officers. It is for the committee to interview the candidates to check up the suitability of the candidates from the point of view of job requirements for the post of Ticket Collectors. It may not be pragmatic to direct the department to lay guidelines in such matters. In view of the above, the selection cannot be said to be vitiated.

5. The applicants had not been found suitable in the relevant screening. Hence, the question whether the seniority has been correctly fixed or not need not be gone into for disposal of this O.A.

6. For the reasons as above, the O.A. is dismissed. No order as to costs.

P. T. Thiruvengadam

(P.T.Thiruvengadam)  
Member(Admn.)

V. Neeladri Rao  
(V.Neeladri Rao)  
Vice Chairman

Dated 1st October, 1993.  
Dictated in open court.

Deputy Registrar (U)

avl/gr.

To

1. The Divisional Railway Manager, S.C.Rly, Guntakal.
2. The Sr.Divisional Personnel Officer, S.C.Rly, Guntakal.
3. One copy to Mr P.Krishna Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.D.Gopal Rao, SC for Rlys. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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28.8.93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 1 - 10 - 1993

~~ORDER~~ JUDGMENT:

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

in

O.A. No.

937/91

T.A. No.

(W.P.)

Admitted and Interim directions  
issued

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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