

(51)

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 994/91

Date of Decision : 19-12-91

T.A.No.

Md. Muni Chandr Babu & another Petitioner.

Shri P. Krishna Reddy Advocate for the  
petitioner (s)

Versus

The Chief Personnel Officer, SCR, Rail Nilay m,  
Secunderabad & 2 others Respondent.

Shri NV Ramana Advocate for the  
Respondent (s)

CORAM :

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(RBS)  
M(A)

(CJR)  
M(J)

52

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

DA No. 994/91.

Dt. of Order: 19-12-91.

1. Md. Chandra Babu
2. B. Muni Raja

...Applicants

Vs.

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

...Respondents

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Counsel for the Applicants : Shri P. Krishna Reddy

Counsel for the Respondents : Shri N.V. Ramana, S.C. for App.

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CORAM:

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

THE HON'BLE SHRI C. J. ROY : MEMBER (JUDICIAL)

(Order of the Division Bench delivered by  
Hon'ble Shri R. Balasubramanian, Member (J)).

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In this application the applicants prayed for the relief that they should be absorbed as Group 'D' staff in the Carriage Repair Shop, Tirupathi, <sup>and</sup> if that is not possible else where in the South Central Railways.

2. The applicants appeared for the test ~~to the post of~~ skilled artisans in the scale of 950-1500. This was in response to the employment notice No. 1/84 which announced 436 ~~vacancies~~ vacancies in all. This panel was kept open from 21-3-87 to

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20-9-91. Due to their low position in the panel the applicants could not get ~~be~~ appointed to the Group 'D' posts for which they have been empanelled. The Respondents instead offered the Group 'D' post in the lower scale of 750-940 at Guntakal. But this also did not materialise on account of opposition from the ~~Labour~~ Union. The applicants hoped that they would be absorbed atleast in Group 'D' posts in Carriage Repair Shop, Tirupathi itself. In the meantime the Respondents issued employment notification No.1/91 calling for applications from the open market for filling up 40 group 'D' posts. The applicants are aggrieved that while they, who had been empanelled for Group 'C' posts and subsequently could not be accomodated even in Group 'D' posts in the Guntakal Division, it is not proper on the part of the Respondents to ignore the case of the applicants and to fill-up the vacancies from the open market. Hence this application.

3. Counter has been filed on behalf of the Respondents opposing the application. Their plea now is that they have received a letter No.E(NG)11091/RR-1/21 dt.16-9-91 from the Railway Board by which all fresh recruitments to group 'D' posts have been stopped. They have also taken pains to point out that neither the initial empanelment to the Group 'C' posts nor the subsequent concurrence of the applicants for absorbtion in the Group 'D' posts vests the applicants with any legal rights.

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4. We have heard Shri P.Krishna Reddy, learned counsel for the applicants and Shri N.V.Ramana, learned counsel for the Respondents. We have also gone through the records carefully. We are of the view that the applicants are entitled to be considered atleast for the Group 'D' posts. In these circumstances we direct the Respondents that as and when the Group 'D' posts in the outsider's quota become available at Carriage Repair Shop, Tirupathi or any where else in the Guntakal Division, the applicants should be considered first before considering any other case in the order of their rank in the empanelment for Group 'C' posts. With these directions the application is disposed-of with no order as to costs.

*R. Balasubramanian*  
(R.BALASUBRAMANIAN)  
Member (A)

*C. J. Roy*  
(C.J.ROY)  
Member (J)

Dated: 19th December, 1991.  
Dicted in Open Court.

*[Signature]*  
Dy. Registrar (J)

avl/

To

1. The Chief Personnel Officer, S.C. Railway, Railnilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer, Carriage Repair Shop, Tirupathi.
3. The Workshop Personnel Officer, Carriage Repair Shop, S.C. Rly. Tirupathi.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.Bench.
5. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
6. One spare copy.

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*P. Balasubramanian*  
11/12/91