

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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RA 52/94  
in  
OA 938/91.

Dt. of Decision : 19-9-94.

I. Venkateswara Rao

.. Applicant.

Vs

1. The Railway Board  
rep. by the Chairman,  
Rail Bhavan, New Delhi.
2. The General Manager,  
SC Rly, Rail Nilayam,  
Secunderabad.
3. The Divl. Railway Manager,  
SC Rly, Vijayawada-520 001.

.. Respondents.

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

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

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

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RA 52/94  
in  
OA 938/91

O R D E R

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

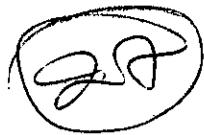
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This Review Application was filed in <sup>two</sup> pursuance of the order in OA 938/91. The main contentions raised for the applicant in the OA are as under:

- (i) " That the letter of the Chief Personnel officer dt. 18-11-1987 bearing No. P/GAZ/607/Optg./86-87 is arbitrary in stating that "he will be empanelled and his name interpolated at the appropriate place duly extending the proforma promotion if he comes out successful in the first attempt" after the judgement in T.A. No. 104/86. His argument is that the above said judgement does not indicate anything about passing of the examination in the first attempt.
- (ii) That he should be empanelled and interpolated in the appropriate place even if he does not qualify in the first attempt after the judgement in T.A. No. 104/86 as his name was deleted erroneously from the panel of 1977. For this contention, the applicant relies on para 228 of Indian Railway Establishment Manual Vol. I.

2. One of us that is the Administrative Member was the Chief Personnel Officer of South Central Railway from 18-2-88 to 19-7-89. Thus the Administrative Member was <sup>not</sup> a party to the decision taken as per letter dated 18-11-87 referred to.

3. The applicant appeared for 1988 examination and then <sup>he</sup> had not passed in the written test. In <sup>1989</sup> ~~1988~~ examination <sup>the</sup> applicant passed in the written test but he failed in the viva-voce. The Administrative Member was Member of the Selection Committee for 1989. But there was not even a whisper in the OA to the effect that the then Chief Personnel officer was motivated against the applicant

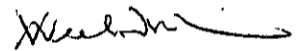


and hence he was failed even in the written test in 1988 and he was failed in the interview in 1989. Even at the time of the hearing of the OA it was not submitted before this Bench that this OA may be transferred to another Bench on the ground that the Administrative Member was in the Selection Committee in 1989 or he was the Chief Personnel officer from 1988. If at the time of the hearing of the OA, ~~is~~ such a request was made, we would have certainly ordered that the OA may be placed before ~~the~~ another Bench.

3. It is not for this Bench to order for the transfer of the Review Application to another Bench. If the applicant is so advised he can move the Chairman for transfer of the Review Application.



(R. RANGARAJAN)  
Member (Admn.)



(V. NEELADRI RAO)  
Vice-Chairman

Dated the 19th September, 1994  
Open court dictation

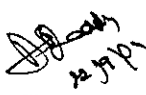
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 23774  
Deputy Registrar (J)CC

To

1. The Chairman, Railway Board,  
Railbhavan, New Delhi.
2. The General Manager, S.C.Rly, Railnilayam,  
Secunderabad.
3. The Divisional Railway Manager, S.C.Rly,  
Vijayawada-1.
4. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
6. One spare copy.

pvm

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*Per day Camp*

TYPED BY

CHECKED BY

COMPARED 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. R. RANGARAJAN : M(A.D.M)

DATE: *9-9-1994*

~~ORDER/JUDGMENT~~

~~M.A.No./R.A/G.A.No.~~ *52/94*

in

O.A.No.

*938/91*

(T.A.No.

(W.P.NO

Admitted and Interim directions  
Issued.

Allowed.

*post the R.A as per*

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

Central Administrative Tribunal  
DESPATCH  
- 10 OCT 1994  
HYDERABAD BENCH.

*[Handwritten signature]*  
*9/1/94*