Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

R.P.No.30/92 in
O.A. No. 1132/91.
~~T.A.No.~~

Date of Decision : 17-3-92

The Chief Personnel Officer, S.C.Rly., Rail Nilayam, Sec'bad and 2 others — Petitioner.

Sri N.V.Ramana, Standing Counsel for Rlys. — Advocate for the petitioner (s)

Versus

S.Jaleel Basha and 5 others — Respondents

Sri P.Krishna Reddy, Advocate — Advocate for the Respondent (s)

CORAM :

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

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

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 ?

No

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)

HRBS
M(A)

HCJR
M(J)

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

R.P.No. 30/92 in
O.A.No. 1132/91.

Date of order: 17th March 1992

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. S. Jaleel Basha
2. S. Venkata Krishnaiah
3. P. Ravi
4. V.Chenna Kesavulu
5. Y. Umakanta Rao
6. U. Subba Narasimhulu .. .. Respondents

.....

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

For the respondents : Shri P.Krishna Reddy, Advocate.

CORAM:

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

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

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

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This Review Petition is filed by the Chief Personnel Officer, South Central Railway and two others against Sri S.Jaleel Basha and five others.

...2.

The applicants herein were respondents in the O.A. and respondents herein were the applicants in the O.A. In this application, a review of the Judgment of this Bench dt. 19.12.1991 in O.A.No. 1132/91 is sought for.

2. Review applicants have filed M.A.No. 259/92 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

....3.

3. The Workshop Personnel Officer, Carriage Repair Shop, South Central Railway, Tirupathi.

4. One copy to Sri. N.V.Ramana, SC for Railways, CAT, Hyd-bad.

5. One xxxx copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd-bad.

6. One spare copy.

Rsm/-

to do, is to extract the names of the O.A. applicants in 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)
Member (A)

(C.J.Roy)
Member(J)

Date: 10th March, 1992.

Deputy Registrar(Judl.)

Copy to:-

1. The Chief Personnel Officer, South Central Railway, Rail-Nilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer, Carriage Shop, Tirupathi

Contd:...4/-