

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No.1034/92.

Dt. of Order:24-9-93.

G.N.Veera Raghavulu

....Applicant

Vs.

1. Union of India, rep. by the
General Manager,
SC Railway, Rail Nilayam,
Sec'bad.

2. Sr.Divisional Personnel Officer,
SC Railway, Guntakal, Ananthapur District.

....Respondents

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Counsel for the Applicant : Shri T.Lakshmi Narayana

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

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CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY :- MEMBER (J)

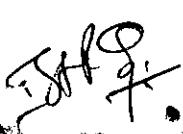
(Order of the Divn. Bench passed by Hon'ble
Shri A.B.Gorthi, Member (A)).

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The applicant who joined the Railways on 18-8-48 was
working as Sr.Clerk with effect from 29-5-73. He was impli-

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cated in a case of theft and was put under suspension from 7-12-1983 to 23-4-84. The applicant was convicted in the Criminal Case by the Judicial Magistrate, I Class, Raichur, on 9-2-1987. He was however released on probation. The said conviction ~~however~~ set aside by the Court of Sessions, Raichur on 1-8-88. In the meantime because of his conviction by the Judicial Magistrate, I class, Raichur, the applicant was awarded the penalty of reduction by two stages in the scale of Rs.1200--2040 for a period of 17 days. This penalty was subsequently set aside because of the acquittal of the applicant by the Sessions Court, Raichur. The period of suspension of the applicant was also converted as on duty. In the meantime the applicant was retired on 31-7-1987. The claim of the applicant in this petition is, ^{that} in view of his acquittal, he is entitled to promotions to the post of Chief Clerk and Office Superintendent from the dates on which his immediate junior Sri J. Purushotham was promoted ^{said} to the/post.

2. The Respondents in their counter affidavit have clarified that the promotion to the post of Chief Clerk is by way of selection and that at the relevant time when the selection was held the applicant was not eligible to appear for the selection because of the Criminal Case/~~said~~ conviction against him. Under the/circumstances the

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Respondents were justified in not promoting the applicant along with his junior Sri J.Purushotham, But in view of the acquittal of the applicant by the Sessions Court, Raichur, he will be entitled to be considered for promotion to the post of Chief Clerk and Office Superintendent from the dates on which his junior was promoted to the said post.

3. In view of the above, we partly allow this application and issue the following directions to the Respondents :-

(i) the Respondents shall consider the case of the applicant for promotion to the post of Chief Clerk and Office Superintendent in accordance with the extant rules/instructions;

(ii) in case the applicant is promoted to any or both of the said posts, the pay of the applicant will be notionally fixed in that post or posts;

(iii) based on such notional re-fixation of his pay his entitlement of retirement benefits shall be re-calculated and revised with effect from 31-7-87;

(iv) actual payment of the revised retirement benefits ~~xxx~~ shall be given to the applicant with effect from 1-12-1990 (i.e. from a date two years prior to the filing of this O.A.);

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(v) in case the respondents find the applicant not suitable for selection to the post of Chief Clerk/Office Superintendent then they shall ^{also} calculate his pensionary entitlements taking into account the proforma fixation of pay as Head Clerk.

4. The Respondents are directed to comply with the above directions within a period of six months from the date of the communication of this order. No order as to costs.

T. Chandrasekhar Reddy
(T.CHANDRASEKHAR REDDY)
Member (J)

A.B. Gorti
(A.B.GORTI)
Member (A)

Dated: 24th September, 1993.
Dictated in Open Court.

Deputy Registrar

- To
1. The General Manager, Union of India, avl/ S.C.Railway, Railnilayam, Secunderabad.
 2. The Sr.Divisional Personnel Officer, S.C.railway, Guntakal, Ananthapur Dist.
 3. One copy to Mr.T.Lakshminarayana, Advocate 2-2-185/54/I/D, Bagh Amberpet, Hyderabad.
 4. One copy to Mr.J.R.Gopal Rao, SC for Rlys. CAT.Hyd.
 5. One copy to Library, CAT.Hyd.
 6. One spare copy.

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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

AND

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

AND

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

Dated: 24-9 -1993.

~~ORDER~~ JUDGMENT:

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

in

O.A.No. 1034/92

T.A.No. (W.P.)

Admitted and Interim directions
issued

partly
Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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