

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A. 196/96 in
O.A. 20/92.

Dt. of Decision : 14-08-96.

B. Gunasekhar Babu

.. Applicant.

Vs

1. The General Manager,
SE Rly, Rail Nilayam,
Secunderabad.
2. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
3. The Divl. Railway Manager(P),
SC Rly (BG), Secunderabad.
4. The Dy. Chief Mech. Engineer,
Carriage Repair Shop,
SC Rly, Tirupathi.
5. The Workshop Personnel Officer,
Carriage Repair Shop, SC Rly,
Tirupathi.

.. Respondents.

Counsel for the Applicant : Mr. P. Krishna Reddy

Counsel for the Respondents : Mr. K. Siva Reddy, SC for Rlys.

CORAM:

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



..2

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Miss Sarada for Mr.P.Krishna Reddy, learned counsel for the applicant and Mr.K.Siva Reddy, learned counsel for the respondents.

2. The applicant in this MA filed OA.No.20/92 which was disposed of on 13-1-92 (Annexure-VII). The direction given reads as below:-

"We have heard Mr.P.Madhusudhana Rao for the applicant and Mr.N.R.Devaraj, for the respondents. Since this fact is not disputed, we pass the same order in this case also viz., 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 applicant herein should be considered first before considering any other case in the order of his rank in the empanelment for Group 'C' post. With these directions, the application is disposed of at the admission stage itself with no order as to costs."

3. In pursuance of the above direction it is stated that he was medically examined for Diesel Cleaner post but he was found medically unfit for the post of Diesel Cleaner. Hence he filed OA.No.125/96 praying for a direction to the respondents to appoint him as Kalasi or any Group-D post as per the judgement in OA.20/92. When OA.125/96 was taken up for hearing the learned counsel for the respondents submitted that the prayer in this OA is subject matter of OA.20/92 and hence that OA was not maintainable. That submission was found in order and hence OA.125/96 was converted as MA in OA. 20/92 for implementation of the judgement in OA.20/92. That MA is now numbered as 196/96 in O A 20/92.

4. When this MA was taken up for hearing the learned counsel for the respondents produced before me a letter No.CP/563/DSL/DC/95 dated 13-5-96 wherein the applicant was asked ^{to} ~~to~~ ^{be} present himself before R-3 in connection with his appointment in Group-D post.

It is seen from that letter referred to above that a second class pass bearing No.100326 was also enclosed for the journey of the applicant from Nellore to Secunderabad. In pursuance of the letter dt. 13-5-96 the applicant attended the divisional office at Secunderabad and a letter addressed to the Medical Director, Lalaguda was handed over to him to present himself for medical test by the Medical Director, Lalaguda. The letter bearing No.CP/563/DSL/94/DCs/Mel.IV dated 23-5-96 addressed to Medical Director, Lalaguda is reproduced below:-

Mr.B.Gunasekhar Babu, candidate for appointment to the post of DSL Cleaner in the scale of Rs.750-940/-(RSRP) in the Diesel Shed/KZJ is hereby directed for examining in the category B-I."

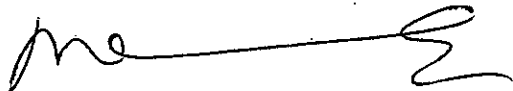
"In this connection the CPO's letter No.P.177/Mech/Misc/WS dt. 17-2-95 together with the letter from special officer of MR is enclosed for necessary action at your end".

From this letter ^{Contents} ~~it appears that~~ the ~~contention~~ of the letter is not very clear. The applicant is already found unfit for Diesel Cleaner post. Hence the Medical Director should be asked to examine his ^{medical} fitness for any post in lower ^{Category} to the ~~that~~ ^{the} Medical Category for Diesel Cleaner. As the letter is not very clear, the applicant now be given a suitably worded letter for examining him ^{for} that a medical category lower than the medical category of Diesel Cleaner for which he will ^{be} eligible for appointment in Group-D post. The applicant with that letter should present himself before the Medical Director on the appointed date and time for remedical examination. It is further stated by the learned standing counsel that the applicant is not cooperating in presenting himself before the Medical Director. The fresh ^{letter to Medical Director} address indicated above should be made ready on or before by 31st August 1996 and the applicant should collect

-4-

the same on that date from R-3 and present himself to the Medical Director for medical examination as per the direction of the Medical Director.

5. The MA is ordered accordingly. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : The 14th August 1996.
(Dictated In Open Court)

Priviliged
DY. Registrar (S)

spr