

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

R.P.No.120/92 in
O.A.No.274/92.

Date of Order : 30-11-92

1. The Chief Personnel Officer,
S.C.Rly., Secunderabad.
 2. The General Manager,
S.C.Rly., Secunderabad.
 3. Union of India, Rep. by the
Secretary, Railway Board,
New Delhi.
 4. The Divl. Rly. Manager,
S.C.Rly., Hubli Division,
Hubli.
 5. The Divl. Rly. Manager,
S.C.Rly., Guntakal Division,
Guntakal.
- .. Applicants/Respondents

Vs.

A.Krishna Murthy

.. Respondent/Applicant

Counsel for the Applicants/
Respondents

:: Shri N.V.Ramana, SC for Rlys

Counsel for the Respondent/
Applicant

:: Shri G.V.Subba Rao

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

{ Order of the Division Bench delivered by Hon'ble Shri
C.J.Roy, Member(J) }

(In circulation).

This review petition is filed in O.A.No.274/92 seeking
a review of the judgement dt. 7.9.92 in the O.A.

2. Originally, the cadre of Office Superintendent was a
zonal cadre and the applicant on promotion was posted from
Guntakal to Hubli in December, 1990. Subsequently, in
February, 1992, a policy decision was taken that the posts of
Office Superintendents would be decentralised and would become
a divisional cadre. On this ground, the request of the
applicant for transfer from Hubli to Guntakal was rejected.
In the judgement, this Tribunal upheld the right of the
respondents to take policy decisions such as the one in
this case, but noted that the Railways had basically failed

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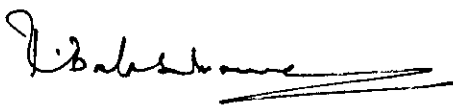
1. The Chief Personnel Officer,
S.C.Rly, Secunderabad.
2. The General Manager, S.C.Rly,
Secunderabad.
3. The Secretary, Union of India,
Railway Board, New Delhi.
4. The Divisional Railway Manager, S.C.Rly
Hubli Division, Hubli.
5. The Divisional Railway Manager, S.C.Rly,
Guntakal Division, Guntakal.
6. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
7. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
8. One spare copy.

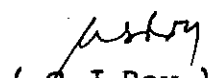
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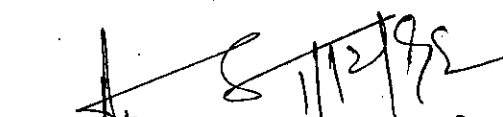
(16)

to take options when they converted a particular cadre from zonal to divisional one. This is where the injustice had crept in and though we upheld the right of the respondents to make organisational changes, we directed that the case of the applicant and other similar cases should be considered because in the first instance they were not given options. When they were promoted, it was a zonal cadre and they could be posted anywhere in the zone. The decision to decentralise it was taken subsequently and hence should not operate against the interests of those who had already been promoted when the cadre was a zonal one. It is now contended in the review petition that the direction would ^{cut} at the very roots of the policy of the Railways which had been upheld. It will not. What the Railways are required to do is to consider those who were promoted and posted when it was a zonal cadre only. They have to be given the options regarding their choice of the division in accordance with the current policy of the Railways. After taking such options, as and when opportunities ^{arise} they have all to be accommodated. In this manner there will be no discrimination which the review applicants was apprehend— There is no error apparent and the decision given was a conscious one after taking into consideration the failure of the Railways to adopt the right course at the proper time. There is no case for review and the review application is dismissed with no order as to costs.


(R. Balasubramanian)
Member (A).


(C. J. Roy)
Member (J).

Dated: 30th November, 1992.


Deputy Registrar (J).



Rm
1/12/92 (3)

IN The CAT. Hyd. Bench

The Hon'ble Mr. R.B.S. : M(A)

&

The Hon'ble Mr. C.J. Roy : M(B)

Dated: 30/11/92

Judgment

R.P. NO. 120/92

in

O.A. 274/92

R.P. Dismissed

