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

O.A.NO. 624/92

DATE OF JUDGMENT: 10.4.95

BETWEEN:

P.LAKPATHI RAO

APPLICANT

AND

1. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.

2. The Divisional Railway Manager,
B.G.Division,
SC Railway,
Secunderabad.

3. The Senior Divisional Personnel
Officer (BG),
SC Railway,
Secunderabad.

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RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI P.KRISHNA REDDY

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ
Sr. ~~Advocate~~ CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD....

O.A.NO.624/92.

JUDGMENT

Dt:10.4.1995

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

Heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was working as Head Clerk by 1.1.84. He belongs to SC community. There were four posts of Chief Clerks in the Commercial Branch in BG Division, Secunderabad as on 1.1.1984. Out of those four posts, Shri S.Balakrishna, who is SC candidate was working as Chief Clerk. The vacancies in regard to the remaining three posts were filled from among OC candidates who are seniors to the applicant.

3. This OA was filed in July 1992 praying for direction that the applicant's services as Chief Clerk should be regularised with effect from 1.1.1984 by alleging that he is eligible for promotion under upgradation scheme which came into effect on 1.1.1984 and to give him promotion as Office Superintendent Grade-I (OS Gr.I) against the vacancy for SCs as per roster points.

X

contd....

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4. The two main contentions for the respondents are:-

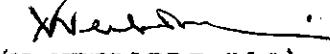
i) this OA having been filed after 8 years after the cause of action had arisen is barred by limitation; and

ii) as per the reservation policy, when there are only four posts in the cadre, one post should be filled up from among SC candidates and the remaining 3 posts have to be filled up on the basis of seniority and as one SC candidate was already holding the post of Chief Clerk by 1.1.1984, the remaining three vacancies in the posts of Chief Clerk were filled from among OC candidates on the basis of seniority-cum-suitability.

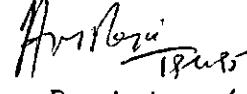
5. We feel that it is ^{not} just and proper to consider such stale claims. As such we are not adverting to it. The OA is dismissed ~~as~~ being barred by limitation.

No costs.

 (R. RANGARAJAN)
 MEMBER (ADMN.)


 (V. NEELADRI RAO)
 VICE CHAIRMAN

DATED: 10th April, 1995.
 Open court dictation.


 Deputy Registrar(J)C

To ~~28~~

1. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad
2. The Divisional Railway Manager, B.G. Division, S.C.Rly, Sec'bad.
3. The Senior Divisional Personnel Officer (BG) S.C.Rly, Secunderabad
4. One copy to Mr. P. Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to Mr. N.R. Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEE LADRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M(ADMN)

DATED - 10-4-1995.

ORDER/JUDGMENT:

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

O.A. No. 624 in 92

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

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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