

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
HYDERABAD.

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OA 625/92

Dt. 5-7-95

Between

1. M.V. Narasingarao, s/o Veeraiiah  
aged 52 years, r/o H.No. 9-96,  
Temple Alwal, Secunderabad, working  
as Material Checker (now reverted  
as Khalasi Helper).
2. Mahaboobkhan, s/o Khasim Khan, aged  
54 years, r/o Yakatpura, Hyderabad.  
working as Material checker (now  
reverted as Khalasi Helper).

.... Applicants

And

1. Divisional Railway Manager, South  
Central Railway/Meter Gauge,  
Secunderabad.
2. Divisional Railway Manager (Personnel)  
South Central Railway/Meter Gauge,  
Secunderabad.
3. Senior Divisional Mechanical Engineer,  
South Central Railway/Meter Gauge,  
Secunderabad.

.... Respondents.

Counsel for the Applicants : Shri S. Laxma Reddy

Counsel for the Respondents: Shri J.R. Gopal Rao

Coram

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

Hon'ble Shri A.B. Gorthi, Member (Admn.)

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[ AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN ]

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J+U D G E M E N T

Heard both the learned counsels.

2. When these two applicants were working as Khalasi Helpers in the then pay scale of Rs.210/290/- they were promoted on 4-10-85 to the ex-cadre posts of material checkers in the then pay scale of Rs.225-308/- after subjecting them to trade test. They were continued in the said post till they were reverted to the post of Khalasi Helper as per the impugned order dated 29-5-92. The same is challenged in this OA. // It is not in contraversion that ~~their~~ promotion to the post of material checker is on the basis of selection. It is stated for the Respondents that selections were held to the posts of material checkers in 1987, 1990 & 1992 and the applicants participated in the said selections and they were not empanelled and hence they were reverted as the selected candidates were posted in these posts.

3. When it is admitted that the promotion of these two applicants to the posts of material checkers in 1985 is not on the basis of selection ~~and~~ when they were reverted to accommodate the candidates promoted to the said post on the basis of selection, the same is in order. Hence there are no grounds to quash the impugned order reverting the applicants as Khalasi Helpers.

4. But it is not known as to whether any of the juniors of the applicants in their parent unit were promoted to the post of Fitter Grade III. If any of the juniors of the applicant in the parent unit were promoted to the post of Fitter Gr. III, the case of the applicants for promotion to the said post has to be considered and if it is a non-selection post, the applicants have to be promoted from the date their junior was promoted to the post of Fitter Gr. III, if they pass the requisite trade test in the first attempt and if the said promotion is by way of selection, the applicants have to be promoted from the date their junior is promoted if they are selected in the first attempt and then they will be entitled to all the monetary benefits.

5. Of course, if they fail in the first attempt, their cases have to be considered in accordance with the extant rules for consideration for promotion to the next higher grade.

6. The OA is ordered accordingly. No costs.//

(A.B. GORTHI)  
Member (Admn.)

(V. NEELADRI RAO)  
Vice-Chairman

Dated the 5th July, 1995  
Open court dictation

NS

Deputy Registrar (J)

To

1. The Divisional Railway Manager, S.C.Rly./ Meter Gauge, Secunderabad.
2. The Divisional Railway Manager(Personnel) S.C.Rly/Meter Gauge, Secunderabad.
3. The Senior Divisional Mechanical Engineer, S.C.Railway/Meter Gauge, Secunderabad.
4. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

A N D

A. B. Gorthi

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

DATED 5/7 1995.

ORDER/JUDGMENT:

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

in

OA.No.

625/92

TA.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.

*No. Spale Copy*

