

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

Dt. of Order: 23-3-94.

DA 785/92.

D. Sarveswar

...Applicant

Vs.

1. Divisional Railway Manager (DRM),
S.E. Riys, Waltair, Visakhapatnam-4.
2. Sr. Divisional Electrical Engineer
(TRS) (SR.DEE (TRS))
SE Riys, Waltair, Visakhapatnam-9.
3. Divisional Personnel Officer (DPO),
SE Riys, Waltair, Visakhapatnam-4.

...Respondents

Counsel for the Applicant : Shri M. Balakrishna Murthy

Counsel for the Respondents : Shri N.R. Devraj, SC for Riys

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE-CHAIRMAN

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

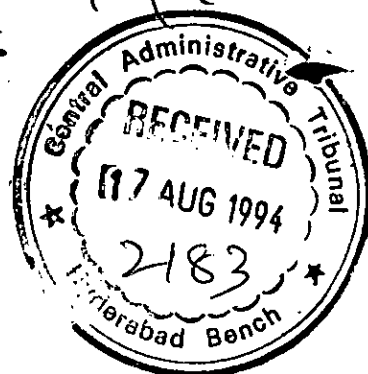
.....2.

and the same was complied with. Then it cannot be stated that it is a case of request transfer and the respondents viewed it rightly as administrative transfer and accordingly the ~~selected~~ ^{transferred} candidates who are originally allotted to the Diesel Loco Shed were given places in the seniority list of the Electrical Loco Shed on the basis of their rankings in the panel dated 1-8-1989.

7. The said action of the respondents cannot be treated as arbitrary or violative of Article 14^{b16} of the Constitution and as such the impugned seniority list does not warrant interference and accordingly the OA is dismissed. No costs.

CERTIFIED TO BE TRUE COPY

Date: 25/4/94
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad



sk Copy to:-

1. Divisional Railway Manager(DRM), S.E.Railways, Waltair, Visakhapatnam-4.
2. Sr. Divisional Electrical Engineer, (TRS)(SR.GEE(TRS) S.E.Rlys, Waltair, Visakhapatnam-9.
3. Divisional Personnel Officer(DPO), S.E.Rlys, Waltair, Visakhapatnam-8.
4. One copy to Sri. M. Salakrishna Murthy, advocate, 49-35-2' Abidnagar, Akkeyyapalem, Visakhapatnam-16.
5. One copy to Sri. N.R. Devaraj, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

True copy

[Signature]

Case Number: OA 786/92
Date: 23/3/94
Copy: 29/4/94

[Signature]
May be filed
On 15/9/94

(9)

Loco Shed or whether they should be given placements in the seniority list of the Electrical Loco Shed as per their rankings in the Panel dated 1-8-1989. As it is a case where those employees were originally informed that they would be absorbed in the Electrical Loco Shed and due to exigencies they were allotted to Diesel Workshops ~~on the ground that it is a case of administrative transfer.~~ The respondents felt that it is a case of administrative transfer and accordingly the impugned seniority list was issued wherein those who requested for allotment in the Electrical Loco Shed were given placements in the seniority list of Electrical Loco Sheds on the basis of their rankings in the panel dated 1-8-1989. The same is assailed in this OA.

5. It is a case where common examination was conducted for recruitment of Group-D employees in Diesel Loco Shed, Electrical Loco Shed and Electrical (General). It is not a case where the applicants were required to apply for appointment in one of those three units only. In such a case it is necessary for the employer to require the candidates selected to give their preferences and ^{to} allot them on the basis of those preferences and ⁱⁿ in regard to any unit, the preferences made are more than ~~one~~ ^{the} and vacancies in that unit, then the preferences of those having higher rankings have to be accepted and those who were in the lower rankings have to be allotted to the other units.

6. In fact in this case all the selectees who were having rankings above 126 were informed that they would be absorbed in the Electrical Loco Sheds; but they were allotted to Diesel Loco Sheds due to exigencies. Then within a short period some of those who were allotted to the Diesel Loco Sheds represented that they should be given postings in Electrical Loco Sheds.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABADBENCH
AT HYDERABAD.

R.A.79/94 in OA.785/92.

Date of order:11-7-95.

Between:-

D.Sarveswar

....

Applicant/Respondent.

And

1. Divisional Railway Manager(DRM),
South Eastern Railway-Waltair,
Visakhapatnam-4.
2. Sr.Divisional Electrical Engineer(TRS),
South Eastern Railway,Waltair,
Visakhapatnam-9.
3. Divisional Personnel Officer,
South Eastern Railway,Waltair,
Visakhapatnam -4.

....

Respondents/Respondents.

Counsel for the Applicant: Mr.M.Balakrishna Murthy

Counsel for the Respondents:Mr.N.R.Devaraj,Sr.CGSC.

CORAM:

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

Hon'ble Shri A.B.Gorti,Member Administrative.

Hon'ble Tribunal made the following order:-

The applicant in the O.A.filed this R.A.Inspite
of repeated adjournments, there is no representation
for the applicant.

The R.A.is dismissed for default. No costs.

Arul
Dy.Registrar(Judl)

Copy to:-

1. Divisional Railway Manager(DRM),
South Eastern Railway-Waltair,
Visakhapatnam-4.
2. Sr.Divisional Electrical Engineer(TRS),
South Eastern Railway,Waltair,
Visakhapatnam-9.
3. Divisional Personnel Officer,
South Eastern Railway,Waltair,
Visakhapatnam-4.
4. One copy to Sri M.Balakrishna Moorthy,Advocate,
49-36-27,Abidnagar,Akkayyapalem,
Visakhapatnam-530 016.
5. One copy to Mr.N.R.Devaraj,Sr.CGSC.CAT.Hyd.
6. One spare.

kku.

LA. 79/94 in
OA. 785/92

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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

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

DATED 11.7.95 1995.

ORDER/JUDGMENT:

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

LA. 79/94 in

OA.No.

in

785/92

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 Spare copy

