

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 812/93.

Dt. of Order:9-3-94.

G.C.Upadhyay

....Applicant

Vs.

1. General Manager,
SE Rlys, Garden Reach,
Calcutta-43.
2. Chief Mechanical Engineer,
SE Rlys, Garden Reach,
Calcutta-43.
3. Chief Personnel Officer,
SE Rlys, Garden Reach,
Calcutta-43.

....Respondents

Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys

CORAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

....2.

15/8/94

OA.812/93

Judgement

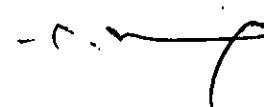
(As per Hon. Mr. T. Chandrasekhara Reddy, Member (Judl.))

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to give effect to the panel dated 16-9-1992 by posting the applicant to the post of AME(Loco) with all attendant benefits and to pass such other order or orders as deem fit and proper in the circumstances of the case.

2. Counter is filed by the respondents opposing the OA.

3. Counsel for both sides are heard.

4. The applicant belongs to Chemical and Metallurgical Department, Railways. He was one of the five candidates approved by the General Manager on 15-9-1992 for formation of provisional panel for promotion to the post of AME(Loco), as a result of selection through the Limited Departmental Examination. The serial number of the applicant in the panel is 5. As a matter of fact the applicant is the last candidate in the panel. Subsequent to the formation of the panel a doubt arose as to the eligibility of the staff belonging to Chemical and Metallurgical Wing, for selection to the post of AME(Loco), since they have their normal channel of promotion to the post of ACMT Group-B. So the matter was referred to the Railway Board, as per the ~~Railway~~ letter of the Chief Personnel Officer, dated 8-1-1993 for examining the same and the issue required clarification. The Railway Board examined the issue and as per the clarification issued vide do.No.E(GP)93/2/10, dated 10-2-1993, ~~it~~ stated that the staff belonging to Chemical and Metallurgical Wing are not eligible to the post of AME(Loco) and that further action was under process for

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deleting the name of the applicant from the panel and for including the name of the next candidate in the panel as per merit position. So, in view of the said clarification issued by the Railway Board, it is quite evident that the applicant had no right to be empanelled for promotion to the post of AME(Loco).

5. As the applicant does not have a right to be appointed to the post of AME(Loco), this OA is liable to be dismissed and is accordingly dismissed. Eventhough we have dismissed this OA, we keep it open to the applicant herein to question the validity of the letter of the Railway Board dated 9/10-2-93 (d.o.No.E(GP)93/2/10) by filing a separate OA in accordance with law if the applicant is so advised.

6. We further permit the applicant to make a representation to the competent authority to consider him for promotion, to any other post to which he is eligible, in accordance with the rules and regulations. On such representation if made to the competent authority, the competent authority shall pass final orders therein within six months from the date of receipt of such representation.

7. The OA is ordered accordingly. No costs.

(T. Chandrasekhara Reddy)
Member(Judl)

Dated : March 9, 94
Dictated in the Open Court

Deputy Registrar(J)CC

- To
1. The General Manager, S.E.Rlys, Garden Reach, Calcutta-43.
 2. The Chief Mechanical Engineer, S.E.Rlys, Garden Reach, Calcutta.
 3. The Chief Personnel Officer, S.E.Rlys Garden Reach, Calcutta-43.
 4. ^{ak} One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
 5. One copy to Mr.v.Bhimanna, SC for Rlys, CAT.Hyd.
 6. One copy to Library, CAT.Hyd.
 7. One spare copy.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 9-3-1994

ORDER/JUDGMENT

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

in

O.A.No.

812/93-

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

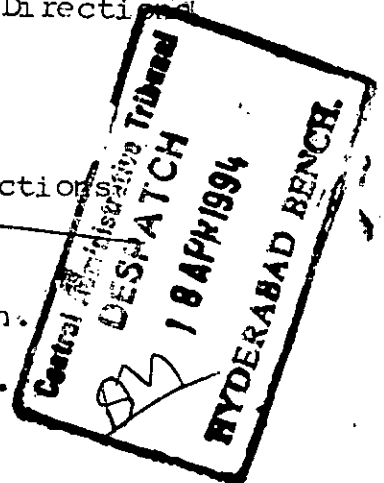
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



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