

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.839/93

Date of Order: 5.10.93

BETWEEN:

1. S.Sreenivasa Rao
2. N.Visweswara Rao

.. Applicants.

A N D

1. Railway Board, Rail Bhavan,
New Delhi, rep. by its
Chairman,
2. The General Manager,
South Central Railway,
Secunderabad.
3. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
4. The Divisional Railway Manager,
(Personnel), Broad Gauge,
Secunderabad, South Central
Railway, Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

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

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

(H4)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member(Admn.).

Both the applicants herein are those senior T.T.Es who appeared for the selection test held in November 1991 the result of which was published on 14.7.1992. Both the applicants qualified in the selection test for promotion to the post of Conductor/ Head Ticket Collector/Head Travelling Ticket Examiner. Instead of giving effect to the pannel of the selection, the respondents set aside the selection pannel in consequence of a policy letter of the Railway Board dated 27.1.1993. In the said policy letter certain ~~pos~~ ~~vacancies~~ vacancies in the Railways have been restructured w.e.f. 1.3.1993. Accordingly vacancies existing as on 1.3.93 except direct recruitment quota were to be filled up by a process of modified selection. Further, selections if any already conducted but not finalised were to be cancelled/abandoned. All the vacancies arising on or after 2.3.93 will have to be filled by the normal procedure. The applicants feel aggrieved by this new policy introduced by the Railway Board, as a result of which the selection in their ~~request~~ ^{request had} have to be cancelled.

2. Similarly situated railway employees filed OA.275/93 which has been dismissed vide our order dated 20.8.1993. The respondents in their counter affidavit have stated that the vacancies which existed as on 2.8.1991 were 76 and for that purpose the selection

To

1. The Chairman, Railway Board,
Rail Bhavan, New Delhi.
2. The General Manager, S.C.Rly, Secunderabad.
3. The Chief Personnel Officer, S.C.Rly Secunderabad.
4. The Divisional Railway Manager(Personnel)
Broad Gauge, Secunderabad, S.C.Rly, Secunderabad.
5. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
7. One copy to Mr. N.V. Ramana, SC for Rlys, CAT.Hyd.
8. One spare copy.

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process was initiated. The same had to be abandoned because of the introduction of a new policy under the Railway Board's letter dated 27.1.1993.

3. In the reply affidavit filed by the applicant No.1 it is stated that the number of vacancies which were available was 150 and not 76 as stated by the respondents.

4. In view of the fact that a similar application (O.A.275/93) as already been dismissed by this Bench of the Tribunal, we find that the present application is also liable to be dismissed, ^{and} it is accordingly dismissed.

5. Mr.P.B.Vijay Kumar, learned counsel for the applicants stated that there were actually 150 vacancies for which the respondents were required to follow the modified procedure of selection. We do not wish to examine the accuracy or otherwise ^{of} ~~all~~ the rival contentions as regards the actual number of vacancies existing on or before 1.3.1993. It is for the respondents to ascertain the accurate number of vacancies existing on or before 1.3.93 and apply ^{the} ~~the~~ modified system of selection to fill up all such vacancies in conformity with the Railway Board's decision dated 27.1.1993.

(T.CHANDRASEKHAR REDDY)
Member (Judl.)

(A.B.GORTHY)
Member (Admn.)

Dated: 5th October 1993

(Dictated in Open Court)

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Deputy Registrar

320/93

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. GORTHI : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 5 - 10 - 1993

~~ORDER~~ JUDGMENT:

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

in
O.A.No. 839/93 -

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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