

ANNEXURE -1

List of Papers in original Application No.

1156  
1187/93

Sl.No. of Papers.	Date of Papers or Date of filing.	Description of papers.
	92-4-86 14-9-93 24-1-94 28-12-94	<p><u>PART I</u> ORIGINAL JUDGMENT</p> <p>Original Application and Material Papers Counter</p> <p>Reply Counter</p> <p><u>PART II</u></p> <p>Copy of O.A</p> <p>copies material papers.</p> <p>Copy of Counter</p> <p>copy of Reply Counter</p> <p>Copy of Judgment.</p> <p><u>PART III</u></p> <p>Vakalath-nama</p> <p>Memo</p> <p>Notice Papers.</p>

PART-II and PART - III Destroyed.

4/8/99

# CENTRAL ADMINISTRATIVE TRIBUNAL

## HYDERABAD BENCH

### RECORD SECTION INDEX SHEET

1156

/1993

(S) J R Ravinder & 200

versus

b) Respondent (S) Secretary, Rly Board, New Delhi & 3400

Sl.No.	Description of Documents.	Page. No.
	<b>Part. I</b>	
	Order Sheet	1-8.
	Original Application 14.9.93.	9-23 <del>23-41</del> 2
	Ma-terial Papers	24-41
	Order dated 16.9.93	42-47.
	Counter Affidavit. 24.1.94.	48-85.
	Reply Affidavit 28.12.94.	86-91
	Order dated 22.4.96	92-112
	<b>Part. II</b>	
	Duplicate Order Sheet.	
	" Application	
	" Material Papers	
	" Order dt.	
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	<b>Part-III</b>	
	Vakalat 14.9.93	
	Notice Papers 8.10.93	
	Memo of Appearance 17.9.93 4.11.93	

8/12/96

(2)

OA-1156/93

Date

Office Note

ORDER

13-3-96

Heard.

Orders on separate sheets.

OA to be listed for hearing

"I on Board" on 3-4-1996.

~~Q~~  
13/3  
HHRP  
M(A)

~~full~~  
HMGCJ.  
VC

10.4.96

To be listed for final hearing  
on 15.4.96 at 2.15 pm along with  
OA. 1595/94.

HHRP  
M(A)

HMACJ  
VC

By order

DR (J)

15-4-96

Part-heard. Adjourned to

tomorrow.

HHRP  
M(A)

HMACJ  
VC

~~22-4-96~~

~~OA Dismissed vide orders  
on separate sheets with no costs.~~

~~HHRP  
M(A)~~

~~HMACJ  
VC~~

~~+ OA 1595/94~~

~~OA disposed vide orders  
on separate sheets. No costs.~~

~~HHRP  
M(A)~~

~~HMACJ  
VC~~

OA 1156/93

(1)

Date

Office Note

ORDER

8-2-4-96

The O.A. is dismissed  
vide orders on separate  
sheets. No costs.

~~8/11~~  
HHRP  
M(A)

*[Signature]*

H.M.G.C. J  
VC

(4)

MA. 930/93 ~~OA. 1156~~ in OA. 1156/93

Date	Office Note	Orders
------	-------------	--------

27.1.94

EBs and FA amended.

TNB  
31/1/94.  
S.O (D)

This MA is filed pray for amendment by alleging that typographic mistakes had arisen in regard to father's name as well as date of promotion.

Heard.

In the circumstances referred to the MA is allowed as prayed for.

✓  
HAR  
M(A)

✓  
HUNRT  
VC

7.2-94

Counter filed by Mr. JR Gopala Rao, sc for Rlys on 24.1.94.  
4.2-94.

9.2-94

Service

Counter affidavit filed by Mr. JR Gopala Rao, sc for Rlys for RAs 1 to 7.

Mr G Rameshchandra Rao Adv. for RAs 8, 10, 11, 12, 14, 15, 17 to 25, 27 to 30, 33 & 34 b/d valuation. RAs 9, 13, 16, 26, 31 & 32 Served.

Counsel for the Respondents. Mr C. Rameshchandra Rao requested 4 weeks time for filing counter. He called 9-3-94.

Prohibit

Amended by P. Lippa  
TMB 28/1/94  
Dy. Registrar Dec

3

OA-1156193

Date	Office Note	Orders
4.3.94	<p>Before the D.R.(J) for counsel</p> <p>Counsel affidavit filed by Mr J.R. Gopal Rao, for RN. 1 to 7.</p> <p>Even after granting sufficient time requested by Mr G. Ramaiah for RN 8, 10, 11, 12, 14, 15, 17 to 23 27 to 30, 33 &amp; 34 counsel is not filed. Hence post file before court for further orders.</p> <p>Dy. Registrar</p>	<p><u>16.1.95</u></p> <p>Limit for final hearing on 25.1.95 immediately before admissions.</p> <p>ARR M(A)</p> <p>HVVRT vc</p>
4/11/95	<p>Respondent filed by Mr. M.C. Pillai, Adv. on 28/12/94 30.</p>	
<u>25-1-95</u>		<p>Exhibit-15-2-95 along with OA 1595/94</p> <p>HANN M(A)</p> <p>HVVRT vc</p> <p>B.O DRCST.</p>

1. 04.939/90

VSR. Murthy

Defence

M  
M

PAGE

THE HON'BLE MR. JUSTICE.  
THE HON'BLE MR. A. B. GORT

TO BE HEARD ON MONDAY THE

IN THE CENTRAL ADMINISTRATIVE

29/11/93

~~Boo~~

808

you per H-200

~~Boo~~

after admissions.

to listed on 30-12-93

Bench - ordered to

Went and be just 1st

(B) No. 11.5.6/93

M. C. PILLAI, B.Com (Hons) LL.B.  
ADVOCATE

Phone :

Flat No. 304,  
Kakatiya Apartment,  
Street No. 2, Hab.  
HYDERABAD - 500 0

Ref. :  
To

The Registrar,  
The Hon'ble Central Administrative  
Tribunal,  
Hyderabad (A.P.).

Sir,

Sub: Prayer to make corrections of the mistakes occurred  
due to Typographical error in OA No. 1156/93.

I pray that the following 2 Typographical mistakes  
occurred in OA No. 1156/93 may please be permitted to correct  
as under;

Mistake at

To be corrected as

1. At page No. 3 against  
applicant No. 3. It has  
been wrongly typed the  
name of the father of the  
applicant No. 3 as Mir  
Hasanullah.
2. At Page No. 7 in line No.5  
against the 3rd applicant  
Mir Hasanullah. His date  
of promotion in grade was  
Rs. 330-5500 from December,  
1990.

The name of the father  
of the applicant No. 3  
has to be corrected as  
Mir Naimathullaiah

The date of promotion  
has to be corrected  
as from 1/1/91

Yours faithfully,

*M.C. Pillai*  
(M.C. PILLAI)

Council for the Applicant.

Copy to: SC for Rlys for information.

*Truly  
M. Caany and another  
OA as requested*

*31/9*

Date : 3.11.1993.

*Recd.  
T. Selvaraj  
for SC Rly  
3/11/93*

*4-11-93  
by R. R. R. R.  
5/11/93*

(6) (1)

## CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

O.A. NO. / ~~FA NO.~~

1156 / 1993

T.R. Ravinder & 2 others

Applicant (S)

*Secretary, P.W. Board, New Delhi & 2 others*

Versus

Respondent (S)

Date	Office Note	Orders
15-9-93	MA 723/93 seeking permission to add addl. applicants in the OA	<p>Heard. In the circumstances referred to, MA 723/93 is allowed as prayed for. Register the OA, if otherwise in order and list it for ad.</p> <p style="text-align: center;">✓ HPTT</p>

(6)

(2)

OA 1156/93

Date	Office Note	Orders
4-11-93		Post on 25-11-1993.  HRRN M(A)  HUNR.J VC  By order. AR.J
17-11-93		List it on 25-11-1993.  HRRN M(A)  HUNR.J VC  By order. AR.J
3/12/93		MA 930/93 OA 1156/93 post on 9/12/93

93

n(A)

ADMIT. Any prom

going to be made will  
to the result in this OA  
said fact has to be over  
the orders of promotion  
are going to be issued. Post  
4-11-1993 for final hearing.

22/9

HPTT

n(A)

HVNR.J

VC

30.12.93

WILN  
no/

VC  
VC

B70

~~A~~ 28/12/93  
DR(J)

1-9

MA-930/93 in OA-11

List it on 17.1.94

HRR  
M(A)

HVNRT  
VC

By order

~~A~~ 28/12/93

DR(J)

7  
OA.1156/93

Order

Mr. K.L. Narasimha, advocate seeks to appear for Applicant No.3 Mr. Mir Hasanulla. The advocate on record for Applicant No.3, Mr. M.C. Pillai has given his no objection to the appearance of Mr. K.L. Narasimha. We do not think that there can be any objection to Mr. K.L. Narashimha to appear for A-3 alongwith Mr. M.C. Pillai. It will be open to Mr. M.C. Pillai to apply for withdrawal for A-3. Since he has not done so<sup>^</sup> far it is left open<sup>to</sup> for him to do so hereinafter if so desired.

2. The question does not end there. Mr. K.L. Narasimha has applied for withdrawal of OA itself to the extent of applicant No.3. If A-3 wants to withdraw from the OA, that could not be objected. However, the request is coupled with further request of giving him liberty to file a fresh OA. That in our view cannot be permissible in law.

3. Three applicants have made a common cause in this application. Their grievances is that they are entitled to be ~~deemed~~ to have been appointed in a certain scale either from 1986 or 1988 and <sup>in</sup> working against a still higher post from 1988 onwards. This grievance is based upon a challenge to the seniority list dated 19-1-1993 on the ground it is erroneous. The three applicants have stated in the OA that their grievances are similar and on that ground they sought permission to join in the single original application. That leave was granted. Rule 4(5)(a) provides that the Tribunal

...2.

huk

(8)

may permit more than one person to join together and file a single application if it is satisfied from having regard to the cause of action and nature of relief prayed for that they have a common interest in the matter. The impact of the leave granted is that the three applicants have a common interest based on the same cause of action. Allowing A-3 to file another OA is fraught with danger on conflicting pleadings and conflicting results following therefrom.

4. In the circumstances, we refuse leave to the applicant No.3 to withdraw from the case with the liberty to file a fresh OA since simplicitor withdrawal is not prayed, the applicant will be deemed to have been continued in the instant OA.

5. However, looking into the circumstances, we make it clear that Mr. K.L. Narasimha, will be entitled to appear at the final hearing and although the case for other two applicants may be argued by Mr. M.C. Pillai. We grant that permission at this stage itself.

6. Directions accordingly. Applicant No.3 is given liberty to file additional affidavit within a week provided a copy thereof is served on the respondents.

7. The respondents will be at liberty to file further counter to the additional affidavit within one week from the date of service of the affidavit from the date of receipt.

8. OA to be listed for hearing "I on Board" on 3-4-96

*(Signature)*  
Member (Admn.)

*(Signature)*  
(M.G. Chaudhari)  
Vice Chairman

Dt. March 13, 96  
Dictated in Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO.

1156 OF 1993

Shri T.N. Ramesh & 2 Co. Applicant (s)

Versus

Secretary, M.Y. Board, N. Delhi

& 3 Co.

Respondent (s)

This Application has been submitted to the Tribunal

M.C. Pillai Advocate under section 19 of the  
Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned  
in check list in the light of the provisions contained in the Administrative Tribunal (Procedure)  
Rules, 1987.

The application has been in order and may be listed for admission on 9-9-93

[Signature]  
Scrutiny Officer.

[Signature]  
Deputy Registrar (J)

8. Has the index of documents been filed and has the paging been done properly? 4
9. Have the chronological details of representations made and the outcome of such representations been indicated in the application? 4
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? 5
11. Are the application/duplicate copy/spare copies signed? 7
12. Are extra copies of the application with annexures filed.
  - a) Identical with the original 9
  - b) Defective
  - c) Wanting in Annexures 2No ..... / Page Nos .....
- d) Distinctly Typed?
13. Have full size envelopes bearing full address of the Respondents been filed? 1
14. Are the given addresses, the registered addresses? 5
15. Do the names of the parties stated in the copies, tally with those indicated in the application? 1
16. Are the translations certified to be true or supported by an affidavit affirming that they are true? 2
17. Are the facts for the case mentioned under item No. 6 of the application.
  - a) Concise? 4
  - b) Under distinct heads? 5
  - c) Numbered consecutively?
  - d) Typed in double space on one side of the paper? 4
18. Have the particulars for interim order prayed for, stated with reasons? 4

144

Check Sheet

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**INDEX SHEET (DUPLICATE)**

APPLICANT (S)

*T. N. Rajinder & 2 Ors*

RESPONDENT (S)

*Secretary, N.Y. Board, No. 2, H. & 376*

Particulars to be examined

Endorsement as to result  
of examination

1. Is the applicant competent to file this application? *y*
2.
  - a) Is the application in the prescribed form? *y*
  - b) Is the application in paper book form? *y*
  - c) Have prescribed number of complete sets of the application been filed? *y*
3. Is the application in time? *y*  
If not by how many days is it beyond time? *y*  
Has sufficient cause for not making the application in time stated? *y*
4. Has the document of authorisation/Vakalatnama been filed? *y*
5. Is the application accompanied by B.D. / I.P.O. *y*  
for Rs 50/2 *y*
6. Has the copy/copies of the order (s) against which the application is made, been filed? *y*
7.
  - (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? *y*
  - (b) Have the documents referred to in (a) above duly attested and numbered accordingly? *y*
  - (c) Are the documents referred to in (a) above neatly typed in double space? *y*

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

INDEX SHEET (ORIGINAL)

O.A. NO. 1156 of 1993.

CAUSE TITLE T.R. Parinder

VERSUS

Secretary, P.B. Board, N. Delhi & B. Unit

Sl.No.	Description of Documents	Page No.
1.	Original Application	1 to 14
2.	Material papers	15 to 27
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies 35 (Thirty Five)	
6.	Covers 35 A	

Ref. to that the Applicants are appointed in the Scale of Rs. 330-560 / from their initial date of appointment.

(9)

Amisuty

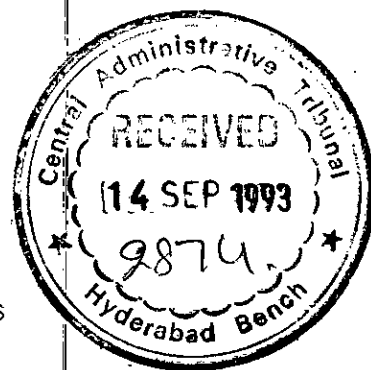
ny

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT

Bundara

HYDERABAD

O.A. No. 1156 / 93.



Between

T.R. Ravinder  
and Others

.. Applicants

And

Union of India Rep. by  
Secretary, Railway Board  
and Others.

.. Respondents

CHRONOLOGICAL EVENTS OF THE CASE :

Sl. No.	Date	Events	Pages	
			From	To
1.	06-07-84	Intimation from RSC about selection of the applicants	<u>15</u>	
2.	06-03-85	Letter from S.C.Rly. Hqrs. to exercise option for a lower Grade	<u>16</u>	
3.	11-12-85	Appointment letter from S.C.Rly. as Asst. Catering Manager in Scale Rs.260-430 (RS)	<u>17</u>	
4.	26-04-88	Rly. Board's decision to give the grade Rs.330-560 (RS) to us against recruitment grade Rs.425-640 (RS).	<u>18</u>	
5.	08-10-91	Representation submitted to get empanelled grade. etc.	<u>19</u>	<u>20</u>
6.	29-05-92	Certification made by competent authority about the applicant's shouldering of higher responsibilities.	<u>21</u>	
7.	08-10-92	GM addressed letter to Rly. Bd. recommending our case.	<u>22</u>	
8.	19-01-93	Confirmation letter of Catering Staff issued by CPO/SC	<u>23</u>	<u>26</u>
9.	22-03-93	Impugned order from Rly. Board regretting our case.	<u>27</u>	
10.	14-09-93	OA Filed before the Hon'ble CAT / Hyderabad.	<u>1</u>	<u>14</u>

Hyderabad,

Date: 14-09-1993.

*[Signature]*  
COUNSEL FOR THE APPLICANTS

*Recd  
T Chandan  
for Sec Rly.  
14/9/93*

10 ①

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

(Application under Section 19 of CAT's ACT 1985)

O.A. No. 1156 /93

Between :

T.R. Ravinder  
And others

.. Applicants

And

Union of India Rep. by  
Secretary, Railway Board  
New Delhi and Others.

.. Respondents

Title of the Case : Prayer for direction to Respondents  
in the matter of Seniority, Pay etc  
of the Catering Managers on South  
Central Railway.

I N D E X

Sl. No.	Description of the documents relief upon	Pages	
		From	To
1.	Application	<u>1</u>	<u>14</u>
2.	Intimation letter of empanelment dated 6-7-84 from Rly. Service Commission, Secunderabad.	<u>15</u>	—
3.	Letter No.P(SC)/563/Catering Managers dated 6/8-3-85 from CPO/SC asking us to exercise option for lower post and grade	<u>16</u>	—
4.	CPO/SC's letter No.P/C/563/ACMS dated 11-12-85 appointing in lower grade.	<u>17</u>	—
5.	Rly. Board's letter No.E(NG)II/88/RR-1/8 dated 26-4-88 giving absorption against recruitment grade in Rs.425-640 (RS).	<u>18</u>	—
6.	Representation dated 8-10-91 from the applicants.	<u>19</u>	<u>20</u>

1) T. R. Ravinder. *[Signature]*

2) *G. Murari Venkatesh*

3) *Hanay*

P.T.O

\_\_\_\_\_

*[Handwritten signature]*

Gaurahi Kengle

Haray

X-X

Signature  
for Registrar.

(12) (3)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

O.A. No. 1156/1993

Between :

1. T.R. Ravinder, *Catering Manager, S.C. Ry/SC*  
S/o T.H. Raju,  
185, Plassi Line,  
Bowenpalli,  
Secunderabad.
2. T. Murali Krishna, *Catering Manager, S.C. Ry/Vijayawada*  
S/o T. Adinarayana,  
18-8/1-8, 4th Line,  
Kedāreswarapet,  
Vijayawada.
3. Mir Hasanulla, *Catering Manager, S.C. Ry/SC*  
S/o ~~Mir Hassanulla~~ *S/o Mir Naima Hussain*  
H. No.29-212,  
New Vidyanagar Colony,  
Neredmet, Ramakrishnapuram,  
Hyderabad - 500 556.

Applicants

*(Amended as per Court  
order dt: 27-1-94 in  
O.A. No. 930/93)  
31/1/94  
500-3)*

A n d

(A) UNION OF INDIA REP. BY

1. Secretary,  
Railway Board, Rail Bhavan,  
New Delhi.
2. General Manager,  
South Central Railway,  
Secunderabad - 500 371.
3. Chairman,  
Railway Recruitment Board,  
Secunderabad. - 500 371.
4. Chief Personnel Officer,  
South Central Railway,  
Secunderabad.- 500 371.
5. Chief Commercial Manager,  
South Central Railway,  
Secunderabad. - 500 371.
6. Dy.Chief Comml. Manager (Catg.)  
South Central Railway,  
Secunderabad.- 500 371.
7. Senior Comml. Manager (Catg.)  
South Central Railway,  
Rail Nilayam,  
Secunderabad - 500 371.

Respondents


- (B) V.V. Satyanarayana,  
Catering Inspector,  
O/o. Asst.Comml.Manager(VRR)  
South Central Railway,  
Vijayawada.
9. P. Krishnaraj,  
Catg. Inspector (VRR),  
O/O.Asst.Comml.Manager(Catg)  
S.C. Railway, Vijayawada

*(Signature)  
P. Murali Krishna  
Hanay*

13 4


Respondents  
(Contd..)

10. V. Subramanyam,  
Catering Inspector, (Mobile)  
C/o. Chief Catg. Inspector,  
S.C. Railway, Mobile Unit  
Secunderabad Station.
11. R. Viswas,  
Asst. Catg. Inspector,  
O/O Divl. Comml. Manager,  
M.G. Office, S.C. Railway,  
Secunderabad.
12. K. Madhusudhana Rao,  
Catering Inspector,  
O/O Asst. Comml. Manager (Catg.)  
South Central Railway,  
Vijayawada.
13. M. Babu Rao,  
Catering Manager, (Retd)  
O/O: Asst. Comml. Manager (Catg.)  
S.C. Railway, Guntakal.
14. D.L.V.S. Varma,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.),  
S.C. Railway, Vijayawada.
15. E.D. Koteswara Rao,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.)  
S.C. Railway, Vijayawada.
16. T. Panduranga Vittal,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.)  
S.C. Railway, Guntakal.
17. K.T. Vishnudas Babu,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.)  
S.C. Railway, Vijayawada.
18. R.M. Bihare (SC),  
Catering Manager,  
O/O Asst. Comml. Manager,  
S.C. Railway, Rail Nilayam,  
Secunderabad.
19. S. Mane,  
Catering Manager,  
O/O Asst. Comml. Manager,  
S.C. Railway, Rail Nilayam,  
Secunderabad.
20. N. Prasuramulu,  
Catering Manager,  
O/O: Sr. Catering Inspector (VRR)  
S.C. Railway, Kazipet,
21. A. Obul Reddy,  
Catering Manager  
O/O Asst. Comml. Manager (Catg.)  
S.C. Railway, Vijayawada.

  
G. Murali Krishna  
Hansay

14 5  
Respondents  
(Contd..)

22. V. Sreerama Murthy,  
Catering Manager,  
O/O. Asst. Comml. Manager (Catg.),  
S.C. Railway, Vijayawada.
23. V.N.Y. Somayajulu,  
Catering Manager,  
O/O. Asst. Comml. Manager (Catg.),  
S.C. Railway, Vijayawada.
24. K. Ram Babu,  
Catering Manager,  
O/O. Asst. Comml. Manager (Catg.)  
S.C. Railway, Vijayawada.
25. P. John Marie,  
Catering Manager,  
O/O. Asst. Comml. Manager (Catg.)  
S.C. Railway, Vijayawada.
26. K.S. Narayana,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.),  
S.C. Railway, Vijayawada.
27. K. Sadasiva Chetty,  
Catering Manager,  
O/O. Asst. Comml. Manager (Catg.),  
S.C. Railway, Vijayawada.
28. M. Hemamatha Kumar,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.)  
S.C. Railway, Rail Nilayam,  
Secunderabad.
29. V. Rajender,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.)  
S.C. Railway, Rail Nilayam,  
Secunderabad.
30. P.V. Ravindranath,  
Catering Manager,  
O/O. Asst. Comml. Manager (Catg.)  
S.C. Railway, Rail Nilayam,  
Secunderabad.
31. R. Balasubrahmanyam,  
Catering Manager,  
O/O Asst. Comml. Manager (Catg.)  
S.C. Railway, Guntakal.
32. B. Chander Rao  
Catering Manager,  
O/O. Sr. Catering Inspector (VRR)  
S.C. Railway, Kazipet,  
Warangal Dist.
33. S. Prakasa Rao,  
Catering Manager,  
O/O. Sr. Catering Inspector (VRR),  
S.C. Railway, Kazipet,  
Warangal Dist.

  
G. Murali Krishna  
Hanay

- 4 -

13 (6)

34. V. Venkateswarlu,  
Catering Manager,  
O/O. Asst. Comml. Manager (Catg.)  
Rail Nilayam, S.G. Railway,  
Secunderabad.

Respondents:  
(Contd..)

1. DETAILS OF THE APPLICATION:

(a) We the applicants, belong to the same selection panel of Catering Managers in scale Rs.330-560 (RS) published by the Railway Service Commission, Secunderabad on 6-7-1984 against Item No.88 of their Employment Notice No. 3/83. We also belong to the same cadre, and the cadre is under the direct control of CCM (Catering), South Central Railway, Hqrs., Rail Nilayam, Secunderabad. Our grievances are also similar. We pray for permission to file a single O.A. on behalf of all of us.

1. PARTICULARS OF ORDER AGAINST WHICH THE APPLICATION IS MADE:

(b) Impugned order contained in the letter No.E(NG)II/88/RR-1/8 dated 22-3-1993 issued by the Deputy Director, Establishment (N), Railway Board, New Delhi, refusing to grant the pay scale, correctly due to the applicants.

2. JURISDICTION OF THE TRIBUNAL.

The applicants declare that the subject matter of the orders against which they seek redressal is within the jurisdiction of the Hon'ble Tribunal Under Section 14 of CAT's Act 1985.

3. LIMITATION:

The applicants submit that the application is within Sec. 21 of the CAT's Act 1985.

4. FACTS OF THE CASE:

(i) We, the applicants submit that, as we fulfilled the conditions of educational qualifications, experiences etc., laid down by the Railway Service Commission, Secunderabad in their Employment Notice No.3/83, published on 18-9-1983, we applied for the post of Catering Manager in Scale

*[Signature]*  
G. Murali Krishna  
Hansay

Annexure  
No. 27

Rs.330-480 (RS). As a result of the Selection conducted we were empanelled for the post with the following order of panel Seniority.

1. T. Muralikrishna,
2. T.B. Ravinder
3. Mir Hasanullah.

Annexure  
No. 15

After sending the select list to CPO, S.C. Railway, Secunderabad, the Chairman, Rly. Service Commission, Secunderabad under his letter dated 6-7-84 advised that Respondent No. 4 would offer us the appointments.

Annexure  
No. 15

- ii) Subsequently, Chief Personnel Officer, S.C. Railway, Secunderabad (Respondent No.4), under his letter No. P(C)563/Catering Manager, dated 6/8-3-1985; advised us as under:

Annexure  
No. 16

" You have been selected by the RSC/SC for appointment to the post of Catering Manager in Scale Rs.330-560 (RS).

As the Rly. Board have decided that the direct recruitment of Catering Manager in Scale Rs.330-560 (RS) should be discontinued with effect from 1-1-1984, it is not possible to offer you the appointment to the post of Catering Manager in scale Rs.330-560(RS). However, since you have been selected by the RSC for the appointment on the Railway, it has been decided to offer you the appointment to the post of Assistant Catering Manager, scale Rs.260-430 (RS). If you are willing to accept this offer you may send your acceptance etc., etc.,"

It was also stated in the said letter that if no reply was received by 30-3-1985, it would be taken as our unwillingness to accept the offer.

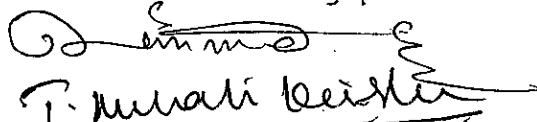
*Muralikrishna*  
Hanay

(iii) We submit that during the said period, the Railway Board had also taken a decision to make direct recruitment of Catering Managers in Scale Rs.425-640 (RS) in lieu of the one in scale Rs.330-480 (RS) dispensed with. Therefore, at the time of seeking our willingness for a lower post the vacancies against which we were empanelled were in existence. For the poor and unemployed candidates like us, there was no other alternative then but to accept the offer under protest. Consequently we were appointed as Assistant Catering Managers in scale Rs.260-430 (RS) on the dates shown against each as under:

- |                     |            |
|---------------------|------------|
| 1. T. Muralikrishna | .. 10-1-86 |
| 2. T.R. Ravinder    | .. 10-1-86 |
| 3. Mir Hasanullah   | .. 10-1-86 |

Since the direct recruitment vacancies in scale Rs.425-640(RS) were unfilled and we were actually shouldering the higher responsibilities attached to that post, we made representations to the Respondents to do justice to us by giving the higher Grade. When our case was referred to the Railway Board by Respondent No.3, the Deputy Director, Establishment (N), Railway Board, New Delhi, under his letter No.E (NG)II/88/RR-1/8 dated 26-4-1988 replied to GM/SC as under:

" As a special case, your Rly. Administration may appoint the four candidates viz. S/Shri Muralikrishna, Kharat Eknath, T.R. Ravinder and Mir Hasanullah, Catering Managers in Grade Rs.330-560(RS)/1200-2040 (RSRP), against direct recruitment quota in Grade Rs.425-640(RS)/Rs.1400-2300(RSRP) with effect from the date of such orders being passed "

  
T. Murali Krishna  
Hanay

Consequently, we were given the Grade Rs.330-560 (RS) on the dates shown against each, as under :

- |                     |    |                |  |
|---------------------|----|----------------|--|
| 1. T. Muralikrishna | .. | December, 1988 | <i>Amended as per<br/>Court order<br/>dt: 27.1.94<br/>in 49-930/93<br/>Trib 31/1/94<br/>January 1990</i> |
| 2. T.R. Ravinder    | .. | October, 1988  |  |
| 3. Mir Hasanullah   | .. | December, 1990 |  |

Annexure  
No.

As we were selected originally against vacancies of this grade, we were eligible to get the scale from the original date of our appointment in 1986 and not at a later date arbitrarily fixed from 1988. More over, since there was no office order down grading the post of Rs.425-640 (RS), we were put to discharge the higher responsibilities of that post, but getting the pay only in Rs.330-560 (RS) from 1988 onwards. Therefore, we suffered in 2 accounts as under:

1. Even when the vacancies were available non-payment of the grade for which we were selected from 1986 to 1988. During this period we were paid only in scale Rs.260-430 (RS).
2. Non-payment of grade in Rs.425-640 (RS) for the higher responsibility we shouldered from 1988 onwards. During the period we were paid only in grade Rs.330-560(RS) and not in grade Rs.425-640 (RS).

When we represented against these injustice, the Respondent No.6 (Dy.CCM-Catering) under his note dated 29-5-1992 certified the both as true, and Respondent No.3 (GM/SCR/SC) under his letter No.C.90/F/1/GMs dated 8-10-92 referred the matter to Railway Board for grant of the higher grades to us. The Railway Board under their letter No.E(NG)II/88/RR-1/8 dated 22-3-1993 did not agree for the proposal and turned down the request.

Annexure  
No. 21  
Annexure  
No. 22

Annexure  
No. 27

*G. Muralikrishna*  
*G. Muralikrishna*  
*Hasanay*

We submit that the Respondents have not indicated as to how the selection for the post of Catering Manager in Scale Rs.330-480 (RS) was conducted by the R.S.C. on 6-7-84 when it was discontinued by the Railway Board with effect from 1-1-84.

We acquired a civil right for appointment to the post when we were empanelled. According to Page No. 1837 of AIR-1984-SC-1831, the Ministry of Home, Govt. of India, has laid down rules in this regard as under:

"Once a person is declared successful, according to select list of selected candidates, which is based on declared number of vacancies, appointing authority has the responsibility to appoint him, even if the number of vacancies undergoes a change after his name has been included in the list of selected Candidates"

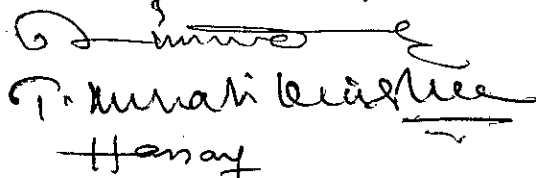
Under article 309 of the Constitution of India these instructions of the Ministry are Presidential orders. In violation of these instructions as well as Article 14 and 16 of the Constitution of India our case has been illegally dealt with and denied grade and pay by the Respondents. Hence this O.A. has been filed before this Hon'ble Tribunal to get Justice.

5. GROUND FOR RELIEF AND LEGAL PROVISIONS :

On account of illegal and arbitrary action of the Respondents the applicants suffered loss of Seniority and pay as under :

(i) Seniority loss :

According to the Seniority shown in the confirmation of Catering Staff issued by Respondent No.4 (CPO/SC) under his Letter No.P(C)186/Catering Staff/Cl.III dated 19-1-93, 25 employees in scale Rs.260-430(RS) at Serial No. 60 to 86; and 22 employees in scale

  
T. Murari Prasad  
Haray

Rs.330-560 (RS) at Serial No.65 to 86; have become seniors to the applicants. Also 5 persons in grade Rs.425-640 (RS) from Sl. No. 60 to 64, of the list.

ii) Pay Loss :

(a) When the empanelled vacancies of Rs.330-480 (RS) were unfilled what prevented the Respondents from giving this scale from the date of initial appointment of 1986, instead of from an arbitrarily fixed date of 1988 was not indicated. Consequently the applicants lost the differences in pay between the grades Rs.330-560(RS) and Rs.260-430(RS) for 2 years.

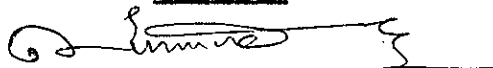
(b) Without down grading the post of Rs.425-640 (RS) we were posted in Grade Rs.330-560 (RS) to shoulder the higher responsibilities attached to the post. Equal pay for equal work has been denied in this case. Consequently the applicants were not paid the pay difference of the scale between Rs.425-640 (RS) and Rs.330-560 (RS) since 1988 onwards.

These were done against natural justice and in violation of Article 14 and 16 of the Constitution of India. This was also done in violation of the Presidential orders contained in Home Ministry's letter at Page No. 1837 of AIR-1984-SC-1831.

6. DETAILS OF THE REMEDIES EXHAUSTED :

Pin pointing the loss of pay and seniority occurred to us, we made several representations to the Respondents at all levels. The applicants grievance were not solved so far. Finally the Rly. Board under their letter No.E(NG)/II/88/RR-1/8 dated 22-3-93 turned down our request for justice.

Annexure  
No. 27

  
P. Murari Prasad  
Hansy

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7. MATTERS NOT PREVIOUSLY FILED AND NOT PENDING WITH ANY OTHER COURTS :

The applicants further declares that they have not previously filed any application, Writ petition, or suit regarding the matter in respect of which this application has been made; before any Court(s), or any other Bench of the Tribunal, nor any such application writ petition, or suit is pending before any of them.

8. RELIEF SOUGHT

In view of what has been stated in Para No.4 above the Applicants pray that this Hon'ble Tribunal may be pleased to issue a direction or orders to the Respondent Nos. 1 and 2.

- (1) To treat the applicants as appointed in scale Rs.330-560(RS) from their initial date of appointment in 1986 to the year 1988.
- (2) To treat the applicants as working against the higher post in scale Rs.425-640 (RS) from 1988 onwards and pay the arrears of pay due to them for shouldering higher responsibilities of the higher post, since it was certified by the Competent Authority on 29-5-92.
- (3) To grant seniority to the applicants on both accounts with all consequential benefits.
- (4) To issue such other order/orders as deemed fit and proper in the circumstances of the case.

9. INTERIM RELIEF, IF ANY, SOUGHT FOR:

According to the wrong seniority indicated in the list of confirmation orders dated 19-1-93, issued by Respondent No.4 (CPO/SC), 25 Juniors have become seniors to the applicants. Based on this wrong seniority, the Respondent No.4 (CPO/SC) is going to issue promotional orders to our Juniors

*G. Murali Krishna*  
H. Nay

Annexure  
No. 21

the applicants could not be appointed and the Ministry had later on directed their promotion as a special case to the post of Catering Manager in that scale although that scale was no longer in existence. The respondents also contend <sup>that</sup> although they were given the benefit of the scale of Rs.330-560 as a special case ~~the~~ <sup>the</sup> applicants <sup>had</sup> ~~were~~ already accepted the appointment in the post of Asst. Catering Manager in the scale of Rs.260-430 <sup>and</sup> did not suffer any prejudice and therefore the claim made by them is liable to be refused. The respondents have also explained that the panel in which the names of the applicants were included was prepared in anticipation of the occurrence of vacancies and that did not confer any right upon the applicants to be appointed. But that at the same time the circumstances that <sup>they</sup> ~~have~~ had been selected was considered by the Ministry and as a special case they were given the scale in which they were <sup>selected</sup> ~~appointed~~. In other words, it is contended that the applicants were given the same post for which they were selected in the same ~~done only~~ after the Ministry had cleared the proposal as a special case. <sup>the</sup> ~~The~~ applicants cannot get the benefit thereof from the date of empanelment. They also contended that <sup>factually there were no vacancies available</sup> ~~formally two vacancies~~ in the grade of Rs.330-560 when the applicants were empanelled.

9. The respondents (1 to 7) also deny that the applicants were directed to discharge duties <sup>or</sup> of ~~an~~ higher responsibilities or the duties and responsibilities attached to the post of Catering Inspector. Thus they deny the claim of the applicant for higher remuneration in the scale of Rs.425-640 from 1988 onwards. The respondents state that never any office order was issued directing the applicants to discharge any higher responsibilities. The respondents strongly contend that since the applicants had accepted the appointment to the post of Asst. Catering Manager in the lower scale they are <sup>estopped</sup> ~~estop~~ from raising the pleas <sup>have</sup> ~~for~~ which they <sup>^</sup> raised in the instant application.

10. The question therefore lies in a very narrow <sup>compass</sup> ~~campus~~. There is no dispute on the point that the applicants were qualified to the post of Catering Manager. They ~~also cannot claim as they~~ have been appointed to that post from 1988/1990. They have been given the scale for which they had applied viz. Rs.330-560 (RS). They cannot therefore claim <sup>the scale of</sup> ~~that~~ Rs.425-640 (RS) as a matter of right.

11. Now it is well established that the empanelment after a selection to a post does not create a right to be appointed as a vested right. A person so selected can only <sup>have</sup> ~~have~~ legitimate expectation of being appointed and if someone else is appointed in his place, he can make a

immediately as implementation of Cadre restructuring, effective from 1-3-1993. Once it is done it would take years to reverse the action; Hence this Hon'ble Tribunal may be pleased to issue a Stay Order to Respondent No.2 & 4 to maintain status-quo in the matter till disposal of the O.A.

10. IN THE EVENT OF THE APPLICATION BEING SENT BY REGISTERED POST :

The application is filed directly by the Counsel for the applicants.

11. PARTICULARS OF THE POSTAL ORDERS IN RESPECT OF THE INSTITUTION APPLICATION FEE :

		<i>Osmania University P.O</i>	} Dated 13-9-93
i) Name of Post Office	:	9-01-667494 for Rs 100/-	
	:	8-05-468656 for Rs 50/-	
ii) Postal order No. and date	:	7-20-342351 for Rs 20/-	
	:	7-20-342350 for Rs 20/-	
	:	4-48-354846 for Rs 5/-	
iii) Post Office at which Payable	:	GPO / Hyderabad	

Total Rs 195/-

1) 195/-  
I.P.O./B.C./D.D./Removed

12. LIST OF ENCLOSURES :

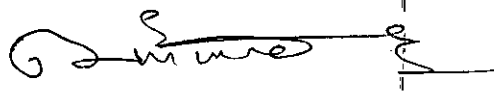


As indicated in the Index attached.

VERIFICATION

We the applicant No.1, T.R. Ravinder son of T.H. Raju, aged 34 years applicant No.2, T. Murali Krishna, S/o T. Adinarayana, aged 31 years and applicant No. 3 Mir Hasanullah S/o Mir Hassanullah, aged 32 years all Catering Managers under CCM (Catering) HQRS, South Central Railway, Secunderabad, and residents of

*T. Murali Krishna*  
*Hasan*

(1) No.185, Plassi Line, Bowenpalli, Secunderabad ; (2)  
No.18-7/1/8, 4th Line, Kedareswarapet, Vijayawada and  
(3) H. No.29-212, New Vidya Nagar Colony, Neredmet,  
Ramakrishnapuram, Hyderabad - 550 556 respectively  
do hereby verify that the contents of Para 1 to 12 are  
true to our personal knowledge, and Para 1 to 12 are  
believed to be true on legal advice, and that we have  
not suppressed any material facts.

- (1)   
(2)   
(3) 

(Signature of Applicant)

Hyderabad,

Date: 14 -09-1993.

  
(COUNTER SIGNED BY COUNSEL  
FOR APPLICANTS)

To

The Registrar,  
The Central Administrative Tribunal,  
Hyderabad.

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13

आर एस सी/एस सी 32 RSC/SC/32

रेल सेवा आयोग, सिकन्दराबाद  
RAILWAY SERVICE COMMISSION  
SECUNDERABAD

दिनांक Dated 6-7-1954

रेवा म I.  
श्रीमती/सीमती Smt/कुमारी Kumari T. R. Rao  
रील नम्बर Roll No. 880001

III श्रेणी के कर्मचारियों की भर्ती  
RECRUITMENT OF CLASS III STAFF

नियोजन सूचना सं. Employment Notice No. 3183  
कोटि सं. Category No. 88 पोस्ट Post Catering Manager  
in scale Rs 330-480

सम्बन्धित पद के लिए आपके आवेदन पत्र के संदर्भ में आपको यह सूचित किया जाता है कि आपके नाम की विचारित मुख्य कार्मिक अधिकारी, दक्षिण मध्य रेलवे, सिकन्दराबाद को की गयी है, जो आपको आवश्यक बोध दाने पर घोषित समय पर नियुक्त करेंगे।

With reference to your application for the above post, you are informed that your name has been recommended to the Chief Personnel Officer, South Central Railway, Secunderabad, who will, in due course, offer you the appointment provided you are otherwise suitable.

आगे कोई पत्र व्यवहार नहीं किया जायेगा।  
No further correspondence will be entertained.

12/7/54

00295-10,003-1-30. S. C. Ry.

हस्ताक्षर for CHAIRMAN

Handwritten notes and signatures at the bottom of the page.

Handwritten signature and name: R. Murali Kumar, Hanay

Handwritten signature and name: S. P. Rao

(94) (16)

2nd 11/24/2011

SOUTH CENTRAL RAILWAY

RAIL NILAYAM  
Personnel Branch,  
Secunderabad.

No.P(C)333/Catering Manager-s

Dated 6-3-85

Sh. T. R. Ravinder

185, Prasad Rao,  
Bowenpally  
Secunderabad - 500011.

Sub: Recruitment of NSG candidate-s.

- - -

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale Rs. 330-550 (Rs). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale Rs. 330-550 (Rs) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale Rs. 330-550 (Rs). However, since you have been selected by the Railway Service Commission for appointment on this Railway, it has been decided to offer you an appointment to the post of an Asst. Catering Manager, scale Rs. 250-430 (Rs), on this Railway. If you are willing to accept this offer, you may send your acceptance in the proforma enclosed, duly acknowledging the receipt of this letter. You will be considered for appointment to the post of Asst. Catering Manager, scale Rs. 250-430 (Rs), as and when vacancies arise, in case of your acceptance. If no reply is received by 14-3-85 from you, it will be treated that you are not willing to accept the offer for appointment to the post of Asst. Catering Manager, scale Rs. 250-430 (Rs).

Atls: As above.

(S.K. Narangate)  
Asst. Personnel Officer

P. Murali Krishna  
Harary

S. Chellai

South Central Railway.

General Manager's office,  
Personnel Branch,  
Secunderabad.

No.P(0)563/A.C.M.S.

Dated: 6-1-84.

11 12 85

Smt M. Sathya Krishna

P.O. No. 25, Lalithanagar

Hyderabad - 50004

Sub:- Temporary appointment as Asst. City Manager  
Scale Rs. 240-430(Rs)

Ref:- your declaration dated 27-3-85

Having been selected by the Railway Service Commission for appointment as Asst. City Manager scale Rs. 240-430(Rs) it is proposed to appoint you as a temporary Asst. City Manager on pay Rs. 240/- in scale Rs. 240-430(Rs) with usual allowances admissible under the rules in force, from time to time, subject to the following terms and conditions:-

- i) Your passing medical examination by an authorised medical officer of this railway;
- ii) From the date of your appointment, you will be deemed to be on probation for one year;
- iii) Your services are liable to be terminated on 14 days notice on either side. No such notice will be required, if the termination of service is due to your mental or physical incapacity or to your removal or dismissal as a disciplinary measure after compliance with the provisions of Clause (2) of Article 311 of the Constitution of India;
- iv) Your appointment will be subject to the rules and regulations issued by the Govt. of India and S.C. Railway Administration from time to time;
- v) You must be prepared to serve at any station on this Rly.;
- vi) You will be held responsible for the charge and care of Govt. money, goods and stores and all other property that may be entrusted to you;
- vii) You will not be eligible for any pension or any benefit under the State Railway Provident Fund or Gratuity Rules or any absentee allowances beyond the allowances admissible to temporary employees under rules in force from time to time, during such temporary service;
2. Your continuance in the service is subject to:-
  - a) Your qualifying in the duties prescribed for the post you hold; and
  - b) Your qualifying such other general conditions for service as may be laid down from time to time;
3. You will be required to take the oath of allegiance or take on affirmation in the form indicated below:-

"I, S. MURALI KRISHNA, do swear solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by Law established and that I will carry out the duties of my office loyally, honestly and with impartiality."

S. Murali Krishna

Hanay

5702

भारत सरकार GOVERNMENT OF INDIA  
रेल मंत्रालय MINISTRY OF RAILWAYS  
(रेलवे बोर्ड Railway Board)

रेल भवन, नई दिल्ली-110001, तिथि

Rail Bhavan, New Delhi-110001, dated 26-4-1988

C.E.(RC)II/88/RR-1/2

The General Manager,  
South Central Railway  
Secunderabad.

Sub:- Direct Recruitment of candidates through RRB/SC  
for the post of Catering Managers in grade  
B.330-560(P.S.).

Ref:- Your Railway's letter No.P(C)563/Catg.Manager  
dated 12.1.88 and 1.3.88.

In view of the circumstances explained in your  
letter of 12.1.1988 quoted above, the Railway Board have  
decided, as a special case, that your Railway administration  
may appoint the four candidates viz. S/Shri Muralikrishna,  
Anarat Ekanath, T.R. Ravinder, Mir Hasanullah, ~~and others~~  
Catering Managers, in grade B.330-560(P.S.)/B.1200-2040(P.P.)  
against direct recruitment quota in the grade B.425-640(P.S.)/  
B.1400-2300(P.P.) w.e.f. the date of such orders being  
passed.

( P. L. N. SARKAR )  
DEPUTY DIRECTOR ESTABLISHMENT (N)  
RAILWAY BOARD.

CPO

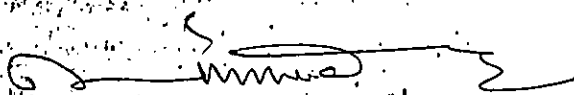
*[Signature]*  
P. Muralikrishna  
Harary

SPO/T

*[Signature]*

Secunderabad had issued Employment Notice No.3/83(Category No.88) dated 1983 calling for applications for the post of Catering Manager in Scale Rs.330 - 480 (RS) from the candidates possessing qualification of Diploma in Catering and sent me intimation after selections stating that my name was recommended for appointment vide their letter dated 6.7.1984 for the said post. As the Railway Board have also co-incidentally taken decision at a later date in July 1984 itself that direct recruitment of Diploma holders in Catering should be done in the Scale Rs. 425 - 640 (RS) instead of in the scale Rs.330 - 560 (RS), a representation was made to this effect requesting for review of the position stating that our selection for the post of Catering Managers in Scale Rs.330 - 560 (RS) stands good for all purpose and we be offered the post of Catering Manager in Scale Rs.330 - 560 (RS). Our case had been considered favourably on its merits and I have been posted as Catering Manager in Scale Rs.330 - 560 (RS) vide the CPO/SC's Order No.P(C)/104/88 (L.No.P(C) 535/Catg/Insp/IX) dated 15.7.1988 and posted to work vice the incumbent who was working as Assistant Catering Inspector in Scale Rs.425 - 640 (RS). This may be probably due to the decision of Railway Board that direct recruitment of Diploma holders in Catering should be only in Scale Rs.425 - 640 (RS).

In this connection, I beg to state that it is quite unjustified that only wages of a Catering Manager in Scale Rs.330 - 560 (RS) are being paid when the work of an Assistant Catering Inspector/Manager in Scale Rs.425 - 640 (RS) is extracted against the clear vacancy of the said post in Scale Rs. 425 - 640 (RS). I, therefore, request you to kindly consider this aspect and see that higher emoluments of wages are paid for the higher responsibilities of the post being shouldered.

  
P. Muralidhar  
Haray

Contd..2.

To

The General Manager  
South Central Railway  
SECUNDERABAD.

Annexure

(29)

(19)

// THROUGH PROPER CHANNEL //

Respected Sir,

Sub: Direct Recruitment of candidates through RRB/SC  
for the post of 'Catering Managers' in grade  
Rs.330 - 560 (RS).

\*\*\*\*

I most humbly beg to bring to your kind notice the following facts for consideration and favourable action.

I am one of the following four candidates who were selected by the Railway Service Commission, Secunderabad for the post of 'Catering Manager' in Scale Rs.330 - 560 (RS) during July 1984 against the direct recruitment quota of candidates possessing qualification of Diploma in Catering.

S/Shri

1. Murali Krishna
2. Kharat Eknath (Scheduled Caste)
3. T.R. Ravinder (Scheduled Caste)
4. Mir Hasanullah

At the time of appointment, I was informed vide the Assistant Personnel Officer's Letter No.P(C)563/Catering Manager dated 6/8-3-85 stating that the Railway Board have decided to discontinue the direct recruitment of Catering Managers in Scale Rs.330 - 560 (RS) with effect from 1.1.84 and hence decided to offer an appointment to the post of an Assistant catering Manager in Scale Rs.260 - 430 (RS), in case it is acceptable to me. As it was a matter of bread and life for me, I have accepted the job of an Assistant Catering Manager. It was later came for enlightenment that the Railway Service Commission,

28/1  
P. Murali Krishna  
Hanay

Contd..2.

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An early action is requested, for which act of kindness, I shall ever remain grateful to you.

Thanking you,

Yours faithfully,

Date: 8.10.1991..

(T.R. RAVINDER)  
Catering Manager

1. An advance copy to G.M./S.C. Rly/SC.  
2. Copy to the Chief Personnel Officer/S.C.Rly/SC for kind information and necessary action.

*Minne*

P. Maria's Book

Arrellai

132

Sub: Request for higher emoluments - Representations of Shri T.R. Ravinder and Shri Mir Hasanullah Catering Managers in grade Rs.1200-2040 (RSRP)

Ref: Notings at 51/N and 52/N.

Further to notings at 51/N and 52/N —

- These Candidates were originally selected through the RRB for posts of Catering Managers scale Rs.330-560. However, before the appointment orders could be issued, Board have changed the rules advising the abolition of this grade and introduction of new grade for appointments for direct recruits ie.425-640 grade (RS). Therefore, it was not possible to offer these employees the 330-560 grade and on obtaining their willingness, lower grade of 260-400 was given to them. I feel that there was no alternative for the employees than to accept lower grade.

It is also clear from the Railway Board agreeing for giving the abolished grade of 330-560 to these employees as a special case.

Though Railway Board have clarified that these candidates have to be employed only in grade 330-560 against direct recruitment quota of grade 425-640. In view of these candidates having been utilised in grade 260-400 from Jan '86 to July '88 against the recruitment in grade 330-560, have lost monetarily and since have been working in 330-560, the direct recruitment quota of 425-640, as a special case, we may recommend to consider these candidates for the post of Catering Managers in the scale of Rs.425-640 since these candidates are working against this grade.

Rly Board

(A)

For

Dy. CCS (Catg.)

29.05.92

C.C.S(G)

Agreed for the (A) above, Rly Board will be addressed accordingly.

I agree

c/s/G

As per Board's order recommending them

Sanjay  
Hansraj

Sanjay

29/5

33  
*Amisur*  
22

6

South Central Railway,  
General Manager's Office,  
Commercial Branch,  
Secunderabad, Dt. 8.10.92.

No.C.90/F/1/GMs.

The Secretary, Estt(N),  
Railway Board,  
New Delhi.

Subj:- Direct recruitment of candidates through  
RRB/SC for the post of Catering Manager  
in Grade Rs. 330-560(RS).

Ref:- 1) This Railway's Lr.No.P(C)/563/Catg  
Managers dt.12.1.88.  
2) Board's Lr.No.E(NG)II/88/RR-I/8 dt.26.4.88  
3) -do- dt.23.12.91  
4) This Rly's DO Lr.No.C.95/F/1/Vol/XIV  
dated 1.1.92 addressed to Shri PLN Sarna,  
By.Director, Estt(N) Rly Bd, New Delhi.

Attention of Board is invited to this Railway's  
DO letter cited (4) above, wherein it was requested to  
consider the 4 candidates viz., 1) Shri Murali Krishna,  
2) Shri Kharat Ekanath(SC); 3) Shri T.R.Ravinder(SC)  
and 4) Shri Mir Hasanullah, who were recruited by  
RRB/SC in Scale Rs. 330-560(RS) and who have requisite  
qualification of Diploma in Catering for the posts of  
Catering Manager in the scale of Rs. 425-640(RS) against  
the direct recruitment quota, as already proposed vide  
para (5) of this Railway's letter No.P(C)/563/Catg dt.  
12.1.88 (copies enclosed for ready reference).

Since the four candidates were selected by the  
RRB/SC with requisite qualifications and are eligible  
for the grade in scale Rs. 425-640(RS) against direct  
recruitment quota, they are fitted against 4 such  
posts which were then vacant.

In the circumstances, Board are requested to  
communicate their decision approving these four  
employees being considered for posting as Catering  
Managers in scale Rs. 425-640(RS)/1400-2300 (RSRP),  
especially in view of the fact that their selection by  
RRB in July, 1984 overlapped with Board's instructions  
issued in the same month and the same year that in  
respect of vacancies arising after 1.1.84 the direct  
recruitment should only be in this grade.

(M.M.Farooqi),  
General Manager(C).

Encls: as above.

*Amisur*  
*Murali Krishna*  
*Hansraj*

*Shri Chellai*

(35)

: 2 :

S.No.	Name S/Shri.	Design. & Grade Rs. (RSRP)	Divn Hqrs.
21.	K.V. Rama Rao	SCRI/Gr.1600-2660	GTL
22.	U.V.Seshagiri Rao	-do-	BZA
23.	A.Koteswara Rao	-do-	BZA
24.	N.Bhanuprasad	-do-	BZA
25.	K.Veeranjaneyulu	-do-	BZA
26.	SK.Meera Saheb	-do-	BZA
27.	R.Mani	-do-	SC
28.	T.Ameralingam (ST)	-do-	BZA
29.	K.Purushotham (SC)	-do-	AP Exp.Pantry Car/SC
30.	V.Sitharam	-do-	GTL
31.	K.Kunchithapatham Pillai	-do-	UBL
32.	N.Bheemsena	-do-	UBL
33.	R.Lakshminarayana	-do-	GTL
34.	R.Ramesh Babu	-do-	BZA
35.	Nazeer Khan	-do-	GTL
36.	V.V.L.Sridhar Rao	-do-	Hqrs.
37.	B.V.Ramesh	-do-	SC
38.	J.Vijayabhaskara Rao (SC)	-do-	BZA
39.	K.Muralikrishna	-do-	GTL
40.	George Stanislaus	Cate.Insp/GTL Gr. 1400-2300	GTL
41.	K.C.Sangothian	-do-	BZA
42.	T.Balarani Reddy	-do-	SC Cate Unit SC
43.	P.Mohan Moolya	-do-	UBL
44.	R.Pratap Reddy	-do-	SC
45.	SK.Ameerjan	-do-	BZA
46.	H.Krishna Rao	-do-	SC
47.	M.Satyanarayana (SC)	-do-	BZA
48.	T.S.Brahmanandam (SC)	-do-	Rajkot Exp. SC
49.	M.Narasimha Rao (SC)	-do-	GTL
50.	T.Prabhakar Rao	-do-	Hqrs.
51.	SK.Atarullah	-do-	SC
52.	C.Rushikesh	-do-	Kohingar Rest/SC

Contd..3

*[Handwritten signature]*  
P. Murali Krishna  
Hqrs.

Annexure

24

23

SOUTH CENTRAL RAILWAY

Headquarters Office,  
Personnel Branch,  
Secunderabad - 371.

Dated: 19-01-1993.

No.P(C)186/Cats.Staff/Cl.III.

CCM(Catg).  
DRM(P)SC HYB BZA UBL & GTL

Sub: Confirmation of Class-III staff of  
Comml.(Catg.)/Department.  
00000

Following are the Group 'C' employees working in the  
Commercial (Catering)/Department.

S.No.	Name S/Shri.	Design. & Grade Rs. (R&RP)	Divn. Hqrs.
1.	M.N.Panduranga Rao	CGI/Gr.2000-3200	Hqrs.
2.	K.Lingaiah (SC)	-do-	SC
3.	R.V.Subba Rao	-do-	Hqrs.
4.	G.Venkiah (SC)	-do-	B Z A
5.	M.D.Carry	-do-	G T L
6.	K.Sreenivasulu (ST)	-do-	GTL
7.	S.Jagannatham	-do-	BZA
8.	P.L.Janardhan Rao (SC)	-do-	Hqrs.
9.	B.V.Ramana Rao	-do-	Hqrs.
10.	K.Lakshmana Murthy	-do-	BZA
11.	John Estibeirol	-do-	Hqrs.
12.	B.Raja Rao (SC)	-do-	SC Catg Unit
13.	Ch.Seetharamaiah	SCRI/Gr.1600-2660	BZA
14.	N.S.Ramanujacharyulu	-do-	Hqrs.
15.	Endric George	-do-	BZA
16.	K.Rama Rao	-do-	BZA
17.	G.Prabhakar (SC)	-do-	Hqrs.
18.	M.Ravindran	-do-	GTL
19.	K.Ranganathan (ST)	-do-	GTL
20.	L.Natarajan (ST)	-do-	BZA

...Contd.2.

4  
G. Srinivasulu  
P. Srinivasulu  
Hannay

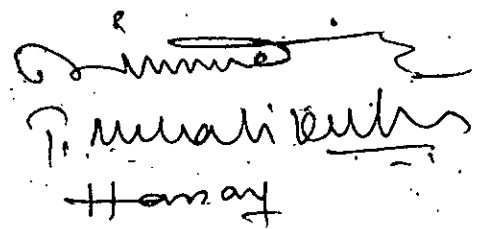
M. Srinivasulu

(37)

4 :

S.No.	Name S/Shri	Design & Grade	Divn.
87.	T.Muralikrishna	Catering Manager/ Gr. Rs.1200-2040 (RSRP)	BZA
88.	Eknath Kharat (SC) (Reverted as ACM to Gr.Rs.975-1540(RSRP) for 3 years (NR) with- out loss of seniority).	-do-	GTL
89.	T.R.Ravinder (SC)	-do-	SC Catg Unit/SC
90.	S.V.Raman	-do-	UBL
91.	Mir Hasanullah	-do-	HYB
92.	D.Krishnaswamy	-do-	GTL
93.	A.Ram Mohan Rao	Adhoc -do-	AP Exp.Pantry Car/SC
94.	N.Davidas.	-do-	SC.
95.	K.Venkatachellaiah	-do-	SC.
96.	P.Somnath Kurup	Assistant Catering Manager/ Gr.Rs.975-1540 [RSRP]	SC.
97.	Nandakishore	-do-	SC
98.	S.Rajeev (SC)	-do-	CCG/SC.
99.	V.Koteswara Rao	-do-	SC
100.	Mohd. Yakoob	-do-	SC
101.	S.P. Koteswara Rao	-do-	SC
102.	C.M. Jayachandra Reddy	-do-	SC
103.	P.B. Srinivas Rao (SC)	-do-	SC
104.	K.V. Satish Kumar (ST)	-do-	Koh. Rest/SC
105.	B. Mohan Rao	-do-	-do-
106.	V. Padayya	-do-	SC
107.	B. Srinivas Rao	-do-	SC
108.	N. Dhanebhujanga Rao	-do-	BZA
109.	K. Amma Rao	-do-	BZA
110.	Ravinder Reddy	-do-	BZA
111.	P. Surva Reddy	-do-	GTL
112.	D. Sudhakar	-do-	GTL.
113.	K.N. Ravindera Prasad	-do-	

Contd..5.

  
T. Muralikrishna  
Haray

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24

S.No.	Name S/Shri.	Design. & Grade Rs. (RSRP)	Divn. Hqrs.
		1400-2300 Catg.Insp.	BZA
53.	M.Potharaju	-do-	BZA
54.	M.B.Subhakara Rao	-do-	GTL
55.	O.K.Karunakaran	-do-	SC Catg Unit
56.	T.Mallikarjuna Rao	-do-	SC
		-do-	GTL
57.	T.N.V.S.Randhanayakulu	-do-	GTL
58.	T.Krishnaraya Sarma	-do-	BZA
59.	I.S.V.Muralidhar Rao	-do-	BZA
60.	V.V.Satyanarayana	-do-	BZA
61.	P.Krishnaraj (SC)	-do-	SC
62.	V.Sivasubramanyam	-do-	AP Exp. Pantry
63.	R.Viswas	-do-	Car/SC
64.	K.Madhusadana Rao	-do-	BZA
65.	M.Babu Rao	Catg. Manager 1200 - 2040	GTL
66.	D.L.V.S.Varma	-do-	BZA
67.	E D. Koteswara Rao	-do-	BZA
68.	T.Panduranga Vittal	-do-	GTL
69.	K.T.Vishnudas Babu	-do-	BZA
70.	R.M.Bihare (SC)	-do-	AP Exp. Pantry Car
		-do-	SC
71.	S.Mane	-do-	SC
72.	N.Parasuramulu	-do-	BZA
73.	A.Obul Reddy	-do-	BZA
74.	V.Sreerama Murthy	-do-	BZA
75.	V.N.Y.Somayajulu	-do-	BZA
76.	K.Rambabu	-do-	BZA
77.	R. John Marie	-do-	BZA
78.	K.S.Narayana	-do-	BZA
79.	K.Sadasivachetty	-do-	CCG/Hqrs.
80.	M.Hemanth Kumar	-do-	SC Catg Unit/SC
81.	V.Rajender	-do-	AP Exp. Pantry Car/SC
82.	P.V.Ravindranath	-do-	GTL
83.	R.Balasubramanyam	-do-	SC
84.	B.Chander Rao	-do-	SC
85.	S.Preakash Rao	-do-	SC Catg Unit/SC
86.	V.Venkateswarlu	-do-	

Contd....4.

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: 6 :

Sl. No.	Name S/Shri.	Design & Grade Rs. (RSRP)	Divin
147.	P.Pitchai Pillai	-do-	GTL
148.	G. Dorai Rajan	-do-	GTL
149.	V. Srinivas Dora	-do-	SC
150.	D.Venkat Reddy	-do-	BZA
151.	B.Krishna Singh	-do-	SC
152.	S. Mani	Senior Cook/ Gr. Rs. 1200-1800 (RSRP)	BZA
153.	R.Narsimhan	-do-	BZA
154.	J.V.Satyanarayana Murthy	-do-	BZA
155.	N.Selvaraj	-do-	SC
156.	C.Mallaiiah Laxmiah	-do-	SC
157.	C.Ramulu Malliah	-do-	SC
158.	Syed Hussain	-do-	BZA
159.	S.Pradeep	-do-	UBL
160.	V.Malla Reddy	Cook/Gr. Rs. 950-1500 (RSRP)	SC
161.	Sanjeeva Ganga	-do-	SC
162.	K.Daniel Raju	-do-	BZA
163.	B.Rajaiah	-do-	HYB
164.	M.Nagaraj	-do-	VIP Cell/ Hqrs.
165.	Ramulu Malliah	-do-	SC
166.	X.M.R. Renciah	-do-	A.P.Express/SC
167.	M.R.Papanna	-do-	SC
168.	Prem Singh	-do-	VIP Cell/Hqrs.
169.	D.Nagalingam	-do-	SC
170.	V.Ambashanker	-do-	BZA
171.	T.Bharathi Mohan	-do-	GTL
172.	D.Thiruvalluran	-do-	BZA
173.	Ch.Amrose	-do-	SC
174.	B.J.Sudhan Babu	-do-	BZA
175.	Mallesha. H.	-do-	UBL

Contd...7..

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: 5 :

Sl. No.	Name S/Shri	Design. & Grade Rs. (RSRP)	Divn.
114.	M.Suresh Babu	Assistant Catering Manager/Gr.Rs.975-1540	BZA
115.	Y.Harikoteswara Rao	-do-	BZA
116.	V.Vijayakumar	-do-	BZA
117.	K.Sambasiva Rao	-do-	BZA
118.	S.K.Ram Pasha	-do-	GTL
119.	B. Subramanyeswara Babu	-do-	BZA
120.	S.Daniel theodora	-do-	BZA
121.	P.Srinivasan	-do-	GTL
122.	Joseph Dawson	-do-	GTL
123.	B.Prabhakara Rao	-do-	BZA
124.	T.V.Vasu	-do-	BZA
125.	A.R.Gopal Rao	-do-	BZA
126.	V.Sushil Gupta	-do-	GTL
127.	D.Vijaykrishna Reddy	-do-	UBL
128.	R.Daniah	-do-	UBL
129.	N.M.Nagarajan	-do-	GTL
130.	M.E.Vishnu Namboodri	Master Cook/ Gr.Rs.1320-2040 (RSRP)	BZA
131.	P.K.Yelayudham	-do-	BZA
132.	I.K.K.Subba Rao	-do-	GTL
133.	G.Narayana (SC)	-do-	BZA
134.	C.Vasudevan	-do-	GTL
135.	A.Kanikadas	-do-	Koh.Rest/SC
136.	K.Lakshmana (SC)	-do-	BZA
137.	Manikanten Nair	-do-	Koh.Rest/SC
138.	R.Raman	-do-	UBL
139.	N.Senkarani	-do-	A.P.Express Pantry Car/SC.
140.	Syed Ismail	-do-	SC
141.	T.Lakshmipathy	-do-	GTL
142.	K.R.Ranganathan	-do-	GTL
143.	K.Kesaven	-do-	GTL
144.	A.Krishnan	-do-	BZA
145.	N.Krishnan	-do-	BZA
146.	P. Ramechandran	-do-	UBL

*G. Murali*  
*Hanay*

*S. B. Sai*

400

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: 7 :

Sl.No.	Name S/Shri.	Design.Grade	Division Hqrs.
176.	P.W. Manohara	Cook/Gr. Rs. 950- 1500 (RSRP)	GTL
177.	P.Nageswara Rao	-do-	BZA
178.	A.Krishnamurthy	-do-	GTL
179.	K.S.Venkataraman	-do-	GTL
180.	D.Vasudeva Rao	-do-	GTL
181.	R.Vishwanathan	-do-	BZA
182.	V.Rambabu	-do-	BZA
183.	N.Selvaraj	-do-	BZA
184.	M.Narayana	-do-	GTL
185.	D.Sathyanarayana Murthy	-do-	GTL
186.	K.C.Sridharan Nair	-do-	UBI
187.	K.Sivakumar	-do-	GTL
188.	K P.Narayan Reddy	-do-	SC
189.	SK.Mahaboob.	-do-	SC

Kindly verify from the service registers of the above named employees whether they have been confirmed in any grade and if so the grade in which they have been confirmed and the date of their confirmation may please be advised immediately.

It may also be indicated whether any DAR/SPE/Vigilance cases are pending or contemplated against them.

Matter may please be treated as URGENT.

Sd/-  
(V.S. JOSHI).  
for Chief Personnel Officer.

*[Signature]*  
P. Murali Krishna  
Hannay

*[Signature]*

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23

रेलवे बोर्ड  
Railway Board  
सर्वकार GOVERNMENT OF INDIA  
रेल मंत्रालय MINISTRY OF RAILWAYS  
Date: 25/3 (रेलवे बोर्ड RAILWAY BOARD)  
ऑफिस ऑफ गेनरल मैनेजर  
Office of General Manager

रेल भवन, नई दिल्ली-110001, दिनांक 25-3-1993  
Rail Bhavan, New Delhi-110001, dated 25-3-1993

NO.E(NG)II/88/RR-1/8

The General Manager(P)  
South Central Railway  
Secunderabad



Sub:- Direct recruitment of candidates through RRB/Secunderabad for the post of Catering Manager in grade Rs.330-560.  
Ref:- Your railway's letter No.C.90/F/1/GMs dated 8.10.92.  
\*\*\*\*\*

Your railway's proposal for considering the four employees as Catering Managers in scale Rs.425-640/ Rs.1400-2300 against direct recruitment quota has been re-considered by the Board but the same has not been agreed to.

( P.L.N.SARMA )  
DEPUTY DIRECTOR ESTABLISHMENT(N)  
RAILWAY BOARD.

T. Murari Kumar  
Haray

Subbarao

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
AT HYDERABAD

O.A. No. \_\_\_\_\_/1993

Between :

T.R. Ravinder  
and 2 Others .. Applicants

AND

Union of India  
Rep: by  
Secretary,  
Railway Board  
New Delhi  
and others. .. Respondents

Sub: Prayer for direction to  
Respondents in the matter  
of Seniority, Pay etc.

Filed on --09--1993.

Filed by :

M.C. Pillai B.Com(Hons) LL.B.,  
Advocate,  
Flat No. 304,  
Kakatiya Apartments,  
Hebshiguda,  
Hyderabad - 500 007.

COUNSEL FOR THE APPLICANTS

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

Date: 14-9-93.

O.A. Regd. No. 2874/93

To

Mr. M. C. Pillai,

Advocate

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter; failing which your application will not be registered and action Under Rule 5 (4) will follow.

1. Material Paper should be attested by the counsel.

2.  
3. Since complaints are  
4. resubmitted Please  
5.

6. S. R. Pillai

7. 15/9/93.

8. (Advocate for the petitioner)

9.  
10.  
11.  
12.  
13.  
14.  
15. Deputy Registrar (Judl)

- 25X1011X1001X1011X

## .. Respondents..

For the Applicants: Mr.M.C.Pillai, Advocate

For the Respondents: Mr.J.R.Gopal Rao, SC for Rlys.

CORAM:

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

AND

THE HON'BLE MR.P.T.TIRUVENGADAM : MEMBER (ADMN)

42

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.No. 1156/93. —

Date of Order: 16-9-93. —

1. T.R.Ravinder
2. T.Murali Krishna
3. Mir Hasanulla.

Applicants.

and

(A) UNION OF INDIA REP. BY

1. Secretary, Railway Board,  
Rail Bhavan, New Delhi.
2. General Manager, S.C.Rly, Secunderabad-371.
3. Chairman, Railway Recruitment Board, Secunderabad-371.
4. Chief Personnel Officer,  
S.C.Rly, Secunderabad.
5. Chief Commercial Manager, S.C.Rly, Secunderabad.
6. Deputy Chief Commercial Manager (Catd.) S.C.Rly Secunderabad-371.
7. Senior Commercial Manager (Catg.)  
S.C.Rly. Railnilayam, Secunderabad-371.
- 8)
  1. V.V.Satyanarayana, ; Catering Inspectors, O/o Asst.Commercial  
P.Krishnaraj. ; Manager (VRR) S.C.Rly. Vijayawada.
  2. V.Subramanyam, Catering Inspector (Mobile)  
C/o Chief Catg.Inspector, S.C.Rly, Mobile Unit, Secunderabad Stn.,  
R.Viswas, Asst.Catg.Inspector,  
O/o Divl.Comml.Manager, M.G.Office, S.C.Rly, Secunderabad.
  3. Madhusudhana Rao, Catering Inspector,  
O/o Asst.Comml.Manager (Catg.) S.C.Rly. Vijayawada.
  4. Babu Rao, Catering Manager (Retd.)  
Asst.Commercial Manager (Catg.) S.C.Rly, Guntakal.
  5. V.S.Varma, Catering Manager,  
Asst.Comml.Manager (Catg.) S.C.Rly. Vijayawada.
  6. Poteswara Rao, Catering Manager,  
Asst.Comml.Manager (Catg.) S.C.Rly Vijayawada.
  7. Muranga Vittal, Catering Manager,  
Asst.Comml.Manager (Catg.) S.C.Rly, Guntakal.
  8. Anudas Babu, Catering Manager,  
Asst.Comml.Manager (Catg.) S.C.Rly, Vijayawada.
  9. S. (SC), Catering Manager,  
Comml. Manager, S.C.Rly, Railnilayam, Secunderabad.
  10. Catering Manager,  
Comml.Manager, S.C.Rly, Railnilayam, Secunderabad.

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20. N.Parasuramulu, Catering Manager,  
O/o Sr.Catering Manager, O/o Sr.Catering Inspector(VRR)  
S.C.Railway, Kazipet.
21. A.Obul Reddy, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) S.C.Rly, Vijayawada.
22. V.Sreerama Murthy, Catering Manager,  
O/o Asst.Comml.Manager (Catg.) S.C.Rly, Vijayawada.
23. V.N.Y.Somayajulu, Caterin Manager,  
O/o Asst.Comml Manager (Catg.) S.C.Rly, Vijayawada.
24. K.Ram Babu, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) S.C.Rly Vijayawada.
25. P.John Marie, Catering Manager,  
O/o Asst.Comml. Manager (Catg.) S.C.Rly, Vijayawada.
26. K.S.Narayana, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) S.C.Rly, Vijayawada.
27. K.Sadasiva Bhetty, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) S.C.Rly, Vijayawada.
28. M.Hemantha Kumar, Catering Manager,  
O/o Asst.Comml.Manager (Catg.) S.C.Rly, Railnilayam, Secunderabad.
29. V.Rajender, Catering Manager,  
O/o Asst.Comml.Manager (Catg.) S.C.Rly, Railnilayam, Secunderabad.
30. P.V.Ravindranath, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) S.C.Rly, Railnilayam, Secunderabad.
31. R.Balasubrahmanyam, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) S.C.Rly, Guntakal.
32. B.Chander Rao, Catering Manager,  
O/o Sr.Catering Inspector (VRR) S.C.Rly, Kazipet, Warangal.Dist.
33. S.Prakasa Rao, Catering Manager,  
O/o Sr.Catering Inspector (VRR) S.C.Rly, Kazipet, Warangal Dist.
34. V.Venkateswarlu, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) Railnilayam, S.C.Rly, Secunderabad.

.. Respondents.

For the Applicants: Mr.M.C.Pillai, Advocate

For the Respondents: Mr.J.R.Gopal Rao, SC for Rlys.

CORAM:

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

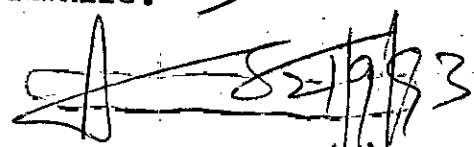
AND

THE HON'BLE MR.P.T.TIRUVENGADAM : MEMBER(ADMN)

202/10  
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The Tribunal made the following Order:-  
Admit. Any promotions that are going to be made will be subject to the result in this OA and the said fact has to be mentioned in the orders of promotion if they are going to be issued. Post on 4-11-1993 for final hearing, for counter in meanwhile.

  
Deputy Registrar(J)

(A) UNION OF INDIA REP. BY

1. Secretary, Railway Board,  
Rail Bhavan, New Delhi.
2. General Manager, S.C.Rly, Secunderabad-371.
3. Chairman, Railway Recruitment Board, Secunderabad-371.
4. Chief Personnel Officer,  
S.C.Rly, Secunderabad.
5. Chief Commercial Manager, S.C.Rly, Secunderabad.
6. Deputy Chief Commercial Manager (Catd.) S.C.Rly Secunderabad-371.
7. Senior Commercial Manager(Catg.)  
S.C.Rly. Railnilayam, Secunderabad-371.
- 8)
8. V.V.Satyanarayana,; Catering Inspectors, O/e Asst.Commercial
9. P.Krishnaraj. ; Manager (VRR) S.C.Rly. Vijayawada.
- 10.V.Subramanyam, Catering Inspector (Mobile)  
C/e Chief Catg.Inspector, S.C.Rly, Mobile Unit, Secunderabad Stn.,
11. R.Viswas, Asst.Catg.Inspector,  
O/e Divl.Comml.Manager, M.G.Office, S.C.Rly, Secunderabad.
12. K.Madhusudhana Rao, Catering Inspector,  
O/e Asst.Comml.Manager (Catg.) S.C.Rly. Vijayawada.
13. M.Babu Rao, Catering Manager (Retd.)  
O/e Asst.Commercial Manager(Catg.) S.C.Rly, Guntakal.
14. D.L.V.S.Varma, Catering Manager,  
O/e Asst.Comml.Manager(Catg.) S.C.Rly. Vijayawada.
15. E.D.Koteswara Rao, Catering Manager,  
O/e Asst.Comml,Manager (Catg.) S.C.Rly Vijayawada.
16. T.Panduranga Vittal, Catering Manager,  
O/o Asst.Comml.Manager (Catg.) S.C.Rly, Guntakal.
17. K.T.Vishnudas Babu, Catering Manager,  
O/o Asst.Comml.Manager(Catg.) S.C.Rly, Vijayawada.
18. R.M.Bihare(SC), Catering Manager,  
O/e Asst.Comml. Manager, S.C.Rly, Railnilayam, Secunderabad.
19. S.Mane, Catering Manager,  
O/o Asst.Comml.Manager, S.C.Rly, Railnilayam, Secunderabad.

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20. N. Parasuramulu, Catering Manager,  
O/o Sr. Catering Manager, O/o Sr. Catering Manager (Catg.) S.C. Railway, Kazipet.
21. A. Obul Reddy, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Vijayawada.
22. V. Sreerama Murthy, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Vijayawada.
23. V. N. Y. Somayajulu, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Vijayawada.
24. K. Ram Babu, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly Vijayawada.
25. P. John Marie, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Vijayawada.
26. K. S. Narayana, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Vijayawada.
27. K. Sadasiva Chetty, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Vijayawada.
28. M. Hemantha Kumar, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Railnilayam, Secunderabad.
29. V. Rajender, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Railnilayam, Secunderabad.
30. P. V. Ravindranath, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Railnilayam, Secunderabad.
31. R. Balasubrahmanyam, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) S.C. Rly, Guntakal.
32. B. Chander Rao, Catering Manager,  
O/o Sr. Catering Inspector (VRR) S.C. Rly, Kazipet, Warangal Dist.
33. S. Prakasa Rao, Catering Manager,  
O/o Sr. Catering Inspector (VRR) S.C. Rly, Kazipet, Warangal Dist.
34. V. Venkateswarlu, Catering Manager,  
O/o Asst. Comml. Manager (Catg.) Railnilayam, S.C. Rly, Secunderabad.
- ~~35. One copy to Mr. M. C. Pillai, Advocate, CAT. Hyd.~~
35. One copy to Mr. M. C. Pillai, Advocate, CAT. Hyd.
36. One copy to Mr. J. R. Gopal Rao, SC for Rlys. CAT. Hyd.
37. One spare copy.

pvm

7.9.13

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(A)

AND

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

AND

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

Dated: 16-9-1993.

ORDER/JUDGMENT:

M.A./B.A./C.A.No.

in

O.A.No. 1156/93.

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.

pvm

Central Administrative Tribunal  
DESPATCH

21 SEP 1993

HYDERABAD BENCH

48

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A. NO. 1156 OF 1993.

Between:

T. R. Ravinder  
and 2 others.

.. Applicants.

and

Union of India  
represented by its  
Secretary, Railway Board,  
Rail Bhavan, New Delhi  
and 33 others.

.. Respondents.

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENTS 1 TO 7.

I, C.V.Narayana, s/o. Sri Subbaiah, aged about 52 years, occupation: Government service, resident of Secunderabad, do hereby solemnly and sincerely affirm and state as follows:-

2. I am working as Senior Personnel Officer in the South Central Railway Headquarters office, Rail Nilayam, Secunderabad and dealing with the subject matter of the case, as such I am well acquainted with the facts of the case. I am filing this Counter Affidavit on behalf of the Respondents No.1 to 7 herein as I am authorised to do so.

3. I submit that the material allegations made in the O.A. are not true and correct and do not disclose any valid or tenable grounds to grant the reliefs prayed for in the O.A. and the material allegations made therein which are not specifically admitted in this counter affidavit shall be deemed to have been denied by the Respondents-Railway Administration.

4. In brevity I submit the history of the case as under:-

4.1 An indent was placed on the Railway Recruitment

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Attestor.

Deponent.

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Board, Secunderabad on 4-3-1983 for recruitment of 5 candidates for appointment to the post of Catering Manager in scale Rs.330-560(RS) (now revised to scale Rs.1200-2040 in IV pay Commission from 1-1-86) for filling up future vacancies. The minimum qualification prescribed was Matriculation, Craftsmanship course in Cookery & Elementary Management Certificate of short course and experience of one year in a standard establishment of a Hotel, Restaurant or some guest House.

4.2 The Railway Recruitment Board, Secunderabad had formed a panel of 4 candidates (3 applicants herein and one by name K.Eknath) on 6-7-1984. At about the same time, the Railway Board communicated decision in their proceedings No.PC-III/81/JCM/SC-1 dated 17-7-84 to discontinue forthwith the direct recruitment to the category of Catering Manager in scale Rs.330-560(RS)/Rs.1200-2040(RSRP) and instead there should be direct recruitment against 20% of vacancies in the category of catering Inspector/Grade-II in scale of pay Rs.425-640(RS)/Rs.1400-2300(RSRP). The Minimum qualifications were pass in 10+2 or its equivalent with a Diploma in catering from a recognised Institution. In addition, 2 years experience in a Hotel etc., is laid down as a desirable qualification. This decision was taken by the Ministry of Railways after a detailed discussion with the Representatives of staff in the Committee of Departmental Council which constituted the Joint Consultative Machinery (JCM).

4.3 In view of the decision communicated by the

2nd page.  
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Attestor.

  
Deponent.

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Railway Board in their letter dated 17-7-84, it was found that there was no opportunity open to the Respondents 2 to 4 herein to offer appointment to the Applicants to the category of Catering Manager in scale Rs.330-560(RS) to which they were selected specifically by the Railway Recruitment Board. In the absence of direct recruitment element in scale Rs.330-560(RS) in the category of Catering Manager, the Railway Administration decided to offer the applicants the post of Assistant Catering Manager in scale Rs.260-430(RS)/Rs.975-1540 (RSRP in IV-pay Commission) where there is element of direct recruitment if the candidates are willing to accept the offer. The applicants herein accepted the offer in March, 1985 with a written declaration stating thus: " I accept the offer of appointment to the post of Assistant Catering Manager, scale Rs.260-430(RS) on South Central Railway and will not claim for appointment to the post of Catering Manager, scale Rs.330-560(RS) at a later date." The applicants were, thereafter, appointed as Assistant Catering Managers scale Rs.260-430(RS)/Rs.975-1540(RSRP) in January, 1986.

4.4 While it was so, the Organised Labour viz. South Central Railway Employees' sangh, Secunderabad, in the Permanent Negotiating Machinery (PNM) Meeting held by the General Manager and respondent No.2 herein on 2nd and 3rd of December, 1987 urged upon the Respondents - 2 & 4, to consider appointment of the applicants herein to the category of Assistant Catering Inspector in scale of pay Rs.425-640(RS)/Rs.1400-2300(RSRP) as the applicants were having the requisite qualification of Diploma in Catering

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Attestor.

ASST. LAW OFFICER  
SOUTH C

  
Deponent.

4. 1. 1987  
Sd/-

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prescribed for the post. Thereupon, the issue was referred to the Ministry of Railways on 12-1-1988 for their decision. The Ministry of Railways in their proceedings No.E(NG)II/88/RR-1/8 dated 26-4-1988 communicated their decision to appoint the applicants to the post of Catering Manager in scale Rs.330-560(RS)/Rs.1200-2040(RSRP) as a special case against direct recruitment quota of higher grade posts scale Rs.425-640 (RS)/Rs.1400-2300(RSRP) with effect from the date of such orders being passed.

4.5 In view of railway Ministry's decision mentioned above, applicants 1 & 2 herein were appointed to the post of Catering Manager in scale Rs.1200-2040(RSRP) under the 4th respondent's proceedings No.P(C)104/88 dated 15-7-88 against 2 vacancies available in higher grade which were down-graded for adjustment purpose being vacant posts to scale Rs.1200-2040(RSRP) as the posts in that scale were not readily available. Similarly, the third applicant herein was also appointed to the post of Catering Manager scale Rs.1200-2040(RSRP) under the 4th respondent's proceedings No.P(C)16/90 dated 30-1-90. The applicants were assigned seniority in the category of Catering Manager scale Rs.1200-2040(RSRP) from the date of joining the posts in pursuance to the appointment proceedings issued by the 4th respondent.

5. In reply to various sub-paras of para-4 of the O.A., I submit as under:-

(4) (i): The applicants herein were selected to the post of Catering Manager in scale Rs.330-560(RS) (revised to scale Rs.1200-2040 in IV-pay Commission with

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*[Signature]*  
Attestor.

ASST. L.A.  
MUTHU C

*[Signature]*  
deponent.

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effect from 1-1-1986) by the Railway Recruitment Board, Secunderabad. The Railway Recruitment Board headed by 3rd respondent herein made available the panel of candidates including the applicants herein to the Chief personnel officer and 4th respondent herein, who placed indent for recruitment, for the purpose of offering appointments. In this connection, it is submitted that it is a well established Rule that selection of a candidate by Railway Recruitment Board is however no guarantee of employment on the Railway which is always subject to certain other conditions, facilitating appointment to service viz. candidate's fitness in the prescribed medical examination, passing in the qualifying examination held after training, availability of vacant posts in the relevant category as on some occasions vacancies in a particular category may not be available at all due to shrinkage of cadre, dis-continuation of direct recruitment or any other reason as per the policies laid by the Railway Ministry and Railway Administration from time to time according to the administrative expediency.

(4)(11): The panel of candidates selected by Railway Recruitment Board was made available on sixth July '84 (ANNEXURE-R-1) to the 4th respondent herein. On the date of receipt of the panel, vacancies in the category of Catering Manager in scale Rs.330-560(RS) were not available and further the Ministry of Railways issued NO.FC-111/81/JCM/SC-1 dated 17-7-1984 (ANNEXURE-R-2) to discontinue forthwith

5th page.  
No. of Comms.

  
Attestor.

ASST.  
SOUTH

  
Deponent.

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direct recruitment to the post of Catering Manager. Respondents No.2 and 4 were therefore confronted with a situation in which it could not be possible within their powers to offer appointments to the applicants as Catering Managers and hence decided to offer them appointments in the lower category of Assistant Catering Manager in scale Rs.260-430(RS) in which there was element of direct recruitment available. But for this consideration, the applicants would have lost opportunity of securing employment in Railway department at that moment. According to the decision taken, the applicants were advised through letters No.F(C) 563/Catering Managers dated 6-3-1986 individually (ANNEXURES R-3, R-4 & R-5) to express their willingness whether they accept appointment to the lower grade post of Assistant Catering Manager in scale Rs.260-430(RS) with no claim for appointment to the post of Catering Manager based on the Railway Recruitment Board's panel of July, 1994 in future.

(4) (iii) (a): As already stated in the foregoing paras, in the changed circumstances, the respondents No.2 and 4 were not in a position to offer appointments to the applicants as Catering Managers. The decision taken to offer the applicants lower grade post of Assistant Catering Manager was with the intention to provide employment to the unemployed candidates who came out successfully in the selection held by Railway Recruitment Board. The applicants did not register any protest while accepting the offer of appointment to the post of Assistant Catering Manager in accepted the offer of appointment to the post in lower grade

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*[Signature]*  
attestor.

*[Signature]*  
deponent.  
Sr. ...  
...

(84)

as Assistant Catering Manager under "Protest" is far from truth. All the applicants submitted written declarations in March '85 (ANNEXURES R-6, R-7, R-8) expressing willingness to accept the offer of appointments stating "I ACCEPT THE OFFER OF APPOINTMENT TO THE POST OF ASSISTANT CATERING MANAGER, SCALE RS.260-430 ON S.C. RAILWAY AND WILL NOT CLAIM FOR APPOINTMENT TO THE POST OF CATERING MANAGER SCALE RS.330-560 AT A LATER DATE". The applicants were, thereafter, appointed to the post of Assistant Catering Manager in January, 1986. The letters of appointment are attached as ANNEXURES R-9, R-10 & R-11.

(4) (iii) (b): The decision of the Railway Ministry communicated in Railway Board's letter No. E(NG)II/88/RR1/8 dated 26-4-1988 (ANNEXURE R-12) was to appoint the Applicants in the post of Catering Manager in grade RS.330-560(RS)/RS.1200-2040(RSRP) against direct recruitment quota meant for recruiting candidates to higher grade posts scale RS.425-640(RS)/RS.1400-2300(RSRP) with effect from the date of such orders being passed AS A SPECIAL CASE. Since element of direct recruitment has not been existing in scale RS.330-560(RS)/RS.1200-2040(RSRP) since 1-1-1984 as a policy decision of the Ministry of Railways, as a special case the Railway Board directed respondents 2 & 4 to appoint the applicants in grade RS.1200-2040(RSRP) as Catering Manager against direct recruitment quota available to fill in posts in grade RS.1400-2300(RSRP). The decision was to appoint the applicants in grade RS.1200-2040(RSRP) and charge their pay and allowances to vacant posts available in higher grade of RS.1400-2300(RSRP). In pursuance of the decision of the Railway Board, the applicants were appointed

7th page.  
No. of Comms.

Attestor.

ASST. LAW OFFICER  
SOUTH CENTRAL RAILWAY  
SECY

Deponent.

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as Catering Managers in grade Rs.1200-2040(RSRP) on different dates (ANNEXURES R-13, R-14 & R-15) and it may be observed that these appointments were not as Catering Inspectors in scale Rs.1400-2300(RSRP). The contention of the applicants that since the vacancies in scale Rs.425-640(RS)/Rs.1400-2300 (RSRP) were available, they were actually shouldering higher responsibilities attached to the post, is factually not correct. Without an Office Order from respondent No.4 herein appointing/promoting the applicants to the post of Catering Inspector in grade Rs.425-640(RS)/Rs.1400-2300(RSRP), the question of the applicants assuming higher responsibilities attached to such a higher post does not arise.

4(c): It is a fact that Respondent No.4 herein made a reference to the Railway Board on 12-1-1988 (ANNEXURE-R-16) for their decision whether the applicants (then working as Assistant Catering Managers scale Rs.260-430(RS)/Rs.975-1540(RSRP)) could be given the appointment as Catering Inspector in scale Rs.1400-2300(RSRP). This proposal was referred to the Ministry of Railways not because the applicants were working in higher grade posts shouldering higher responsibilities with lower emoluments but because of the difficulties and delay open market and because the candidates were reported to be in possession of diploma in Catering. It is particularly submitted that when reference was made to the Railway Board, all the applicants herein were still working as Assistant Catering Managers in scale Rs.260-430(RS)/Rs.975-1540(RSRP).

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Attestor.

ASST. LAW OFFICER  
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Deponent.

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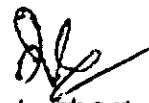
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(4) (d): It was only in response to the reference made by 4th respondent to the Railway Board, the Railway Board communicated their decision to appoint the applicants, AS A SPECIAL CASE, to the grade Rs.330-560(RS)/Rs.1200-2040 (RSRP) against direct recruitment quota available in grade Rs.425-640(RS)/Rs.1400-2300 (RSRP) with effect from the date of such orders being passed. In pursuance of the orders of the Railway Board, the applicants were appointed to the post of Catering Manager in scale Rs.1200-2040(RSRP) with prospective effect.

(4) (e): The contention of the applicants that they were selected originally against vacancies of posts in scale Rs.330-560(RS) and hence they are entitled to get that scale from 1986 i.e., date of initial appointment is not correct. The fact that a candidate has been selected to certain post does not guarantee him appointment. To facilitate such appointment, a vacancy in the relevant grade should become available during the currency period of one year of the panel prepared by Railway Recruitment Board. The candidate must pass in the prescribed medical examination etc. In the case of Applicants, an indent was placed on the Railway Recruitment Board in March, 1983 (ANNEXURE-R-17)

Direct Recruitment quota in the category of Catering Managers scale Rs.330-560(RS). When the panel was made available by the recruiting agency in July, 1984, there were no vacancies in the category of Catering Manager against direct recruitment quota because the element of direct recruitment quota in this category was exhausted. The decision taken by Ministry of Railways which was communicated

9th page.  
No. of Corms.

  
Attestor.  
ASST. LAW OFFICER  
SOUTH CENTRAL RAILWAY  
HYDRABAD

  
Deponent.

through their circular No.PC-III/81/JCM/SC-1 dt.17-7-1984. Thus the in-service catering staff in scale Rs.260-430(RS)/Rs.975-1540(RSRP) acquired right of promotion to the post of Catering Manager in scale Rs.330-560(RS)/Rs.1200-2040(RSRP) against any vacancies that may become available with effect from 1-1-84 the date when the orders of Railway Board to discontinue recruitment to the category of Catering Manager in scale Rs.330-560 against direct recruitment quota came into force.

(4) (f): It is not correct to aver that since there was no office order down-grading the posts of catering inspectors in scale Rs.425-640(RS)/Rs.1400-2300(RSRP) the applicants should be presumed as discharging higher responsibilities attached to the post in the higher grade of Rs.1400-2300(RSRP). At the time of communication of the Railway Board's decision in their circular No.PC-III/ to discontinue recruitment of catering managers in scale Rs.330-560(RS) against direct recruitment quota through Railway Recruitment Board, the exact position prevailing was as follows:-

- (i) vacancies in grade Rs.330-560(RS) that occurred prior to 1-1-84 which could be treated as direct recruitment quota posts were not available;
- (ii) vacancies in grade Rs.330-560(RS)/Rs.1200-2040(RSRP) that might have occurred, had to be filled by in-service rankers according to seniority-cum-suitability.

(iii) To fit in the applicants herein in the grade of

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Attestor.  
ASST. LAW OFFICER,  
SOUTH CENTRAL RAILWAY,  
HYDRABAD.

Dependent.  
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S.O. ...

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Recruitment quota vacancies available in grade  
Rs.425-640(RS)/Rs.1400-2300(RSRP) had necessarily  
to be utilised in order not to deprive the  
in-service rankers of their right of promotion  
to grade Rs.330-560(RS)/Rs.1200-2040(RSRP) and  
also to grade Rs.425-640(RS)/Rs.1400-2300(RSRP).

The Dy.C.C.s(Catering)'s Note dated 29-5-92 (Respondent  
No.6 herein) referred to by applicants in sub-para(iii)  
of para-4 in page 7 of the O.A., is an internal note on  
the file maintained in the 5th respondent's office and  
cannot be quoted by applicants as it is neither addressed  
to them nor communicated to them officially. Even in this  
note, the respondent No.6 did not certify that the applicants  
were put to discharge the duties of the post of Catering  
Inspector in grade Rs.425-640(RS)/Rs.1400-2300(RSRP).

It was stated therein that the candidates (Applicants herein)  
had been working in grade Rs.330-560(RS)/Rs.1200-2040(RSRP)  
against direct recruitment quota of posts in grade  
Rs.425-640(RS)/Rs.1400-2300(RSRP) which does not carry the  
meaning that they were put to discharge the duties of the  
post in grade Rs.425-640(RS)/Rs.1400-2300(RSRP). Even in the  
letter No.C-90/F/1/CMS dated 8-10-1992 referred to by  
applicants which is addressed to the Railway Board, it was  
merely stated that the applicants were eligible to be fitted  
in grade Rs.425-640(RS)/Rs.1400-2300(RSRP) as they were  
reported as having requisite qualifications (Though there is  
no recorded or verified information available to the effect  
that the applicants are all possessing diploma in Catering).  
It was not stated therein that the applicants were discharging  
the duties of the higher grade posts. The Ministry of Railways

No. of Cords.

Attestor.

Deponent.


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ultimately turned down the proposal in their letter No.E(NG)II/88/RR-1/8 dated 22-3-1993 (ANNEXURE-R-13) evidently because appointments should not be made to a post in higher grade when a candidate is selected to a lower grade post and doing so is against all cannons of Law. Moreover, as stated in para 4.1 and 4.2 above, the minimum qualification prescribed for recruitment of candidates to grades Rs.1200-2040 and Rs.1400-2300 are different. The applicants having qualified for the posts in grade Rs.1200-2040, cannot claim that they ought to have holding the posts in higher grade with higher responsibility to which higher minimum qualification prescribed.

6. I submit that if it was a fact that the applicants were having higher qualification, they had competed in the selection to the post of Catering Manager in scale Rs.330-560(RS)/Rs.1200-2040(RSRP) with candidates of lower qualifications/standard for the minimum qualification prescribed for this post is only Matriculation and certificate of Craftsmanship course in Cookery and Elementary management. In other words, the Applicants came out successfully in the selection by competing with those having lower standards by and large. Evidently, it cannot be said for sure that the Applicants are suitable to hold the post of Catering Inspector in grade Rs.425-640(RS)/Rs.1400-2300(RSRP) at the time of their appointment to service in 1986 just because of their claim that they passed diploma in catering. If it were to be the minimum qualification prescribed for recruitment of Catering Inspector in grade Rs.425-640(RS)/Rs.1400-2300(RSRP) in a competition of candidates to the post for which a Diploma

12th page  
No. of Cords.

  
Attestor.

  
Deponent.

(61)

in catering with 10+2 qualification as the minimum qualification, then the successful candidates can be treated as suitable to hold the post in grade RS.425-640(RS)/RS.1400-2300(RSRP). Evidently, the applicants have no claim and prescriptive right for appointment to the post of Catering Inspector in grade RS.425-640(RS)/RS.1400-2300 (RSRP).

7. Further I submit that the averment of the applicants as to how the Respondents-Railway Administration conducted the selection for the post of Catering Manager in grade RS.330-560(RS)/RS.1200-2040(RSRP) was conducted by the Railway Recruitment Board when the Railway Board ordered to discontinue the recruitment of posts in that category against direct recruitment quota reveals the lack of sense of proper appreciation of events or it may be that they wanted to mislead this Hon'ble Tribunal. I submit that the panel of candidates including the applicants made available by the Railway Recruitment Board was on 6-7-84 and the date of the Railway Board's letter communicating their decision to discontinue the direct recruitment in grade RS.330-560(RS) was 17-7-84, in which inter-alia it was stipulated that 20% direct recruitment quota was stipulated in the category of Catering Inspector in scale RS.425-640(RS)/RS.1400-2300(RSRP) against vacancies in that category with effect from 1-1-1984. With regard to case law cited by applicants in page-8 of the O.A., suffice to say that the same is not applicable in the circumstances of the Applicant's case.

8. In reply to the grounds for relief made out by the applicants in para-5 of the O.A. (on pages 8 & 9 of O.A.),

13th page.  
No. of Cords.

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Attestor.  
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Deponent.  
Sr. Person  
S.C.R. Sec. Sec.

Seniority loss: Proceedings No.P(C)186/Catg.Staff/  
Cl.III dated 19-1-93 referred to by applicants is not a  
seniority list. It is, however, submitted that the  
applicants herein were correctly assigned seniority in  
the initial appointment grade as Assistant Catering  
Managers in scale Rs.260-430(RS)/Rs.975-1540(RSRP) and  
also in grade Rs.330-560(RS)/Rs.1200-2040(RSRP) as Catering  
Managers from the dates of appointment to these posts  
subsequently made in pursuance to the orders of the  
Railway Board communicated in their letter No.E(NG) II/88/  
RR-1/8 dated 26-4-1988.

Pay loss: The applicants' contention that vacancies in grade Rs.330-560(RS) were unfilled (at the time of their appointment to grade Rs.260-430(RS)) is factually not correct. At that point of time, there were no vacancies in grade Rs.330-560(RS). The decision of Respondents No.2 & 4 to offer them appointment in grade Rs.260-430(RS)/Rs.975-1540(RSRP) did not put them to any monetary loss. On the contrary, the decision of the Respondents 2 & 4 had resulted in the applicants securing government job, made them wage-earners alleviating their mental agony of insecurity and offered them bright future prospects. I further submit that the applicants were never directed by any office order to discharge the higher responsibilities attached to the post of Catering Inspector in scale Rs.425-640(RS)/Rs.1400-2300(RSRP). The applicants having been appointed to grade Rs.260-430(RS)/Rs.975-1540 (RSRP) would have taken much longer time to get promotion to next grade in scale Rs.330-560(RS)/Rs.1200-2040(RSRP)

attestor.  
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(63)

but for the decision of the Railway Board communicated in their letter dated 26-4-88, to fit them in grade Rs.330-560(RS)/Rs.1200-2040(RSRP) with prospective effect AS A SPECIAL CASE. The vacancies available in grade Rs.425-640(RS)/Rs.1400-2300(RSRP) against direct recruitment quota were utilised to fit the applicants in grade Rs.330-560(RS)/Rs.1200-2040(RSRP) duly adjusting the sanctions temporarily to carry out the Railway Board's directive in this regard. The contention of applicants that there is pay loss is imaginary and baseless.

9. I, therefore submit that the applicants are not justified in calling the action of the Respondents as illegal and arbitrary. In the circumstances that prevailed at the time of their initial appointment and when the applicants were advised to express willingness to get appointed in grade Rs.260-430(RS)/Rs.975-1540(RSRP) as Assistant Catering Manager, they expressed willingness and gave declarations that they would not stake their claim for appointment to grade Rs.330-560(RS)/Rs.1200-2040 (RSRP) in future. The applicants are not illiterates or semi-literates not to understand the implications. They ought to have reconciled and considered themselves to honour their own declarations given in writing before joining in the post of Assistant Catering Manager in scale Rs.260-430(RS)/Rs.975-1540(RSRP). They are stopped from turning back and come out for unintended grades and benefits through this O.A. Under these circumstances, the action of the Respondents-Railway Administration is neither illegal nor arbitrary and there is no violation of Articles 14 and 16 of the Constitution of India.

15th page.  
No. of Cords.

Attestor.  
ASSISTANT LAW OFFICER,  
SOUTH CENTRAL RAILWAY,  
SECUNDERABAD.

Deponent.

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..16..

10. Under the facts and circumstances enumerated above, it is prayed that the Hon'ble Tribunal may be pleased to vacate the interim order passed by the Hon'ble Tribunal on 16-9-93 and dismiss the O.A.No.1156/1993 as devoid of merits and pass such other order or orders as the Hon'ble Tribunal deems fit and proper.

16th & last page.  
No.of Cords.

*Amalaya*  
DEPARTMENT  
Sr. P. Secy.  
S.C.R. Sec.

solemnly affirmed and signed  
in my presence on this 23<sup>rd</sup> day of  
December, 1993 at Secunderabad.

Before me.



ATTESTO R.  
ASST. LAW OFFICER  
SOUTH CENTRAL R. & MA.  
SECUR.

64

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

O.A.No. 1156 of 1993.

Between :

T.R.Ravinder and two others.

... Applicants.

A n d

Union of India, Rep. by its  
Secretary, Railway Board,  
Rail Bhavan, New Delhi and  
33 others.

... Respondents.

INDEX OF THE MATERIAL PAPER

Sl.No.	Description of the Document	Annexure No.	Page No.
1.	The panel of candidates selected by the R.R.B. dated 12-7-1984.	R-I	1
2.	Ministry of Railways issued instruc-PC-III/81/JCM/SC-1 dated 17-7-1984.	R-II	2 & 3
3.	Letters dated 6-3-1986 advising applicants to express their willingness whether they accept appointment to the lower grade post of Asst. Catering Manager in scale Rs.260-430(RS)	R-III, R-IV & R-V.	4 to 6
4.	Written declarations, given expressing their willingness.	R-VI, R-VII & R-VIII.	7 to 9
5.	The letters of appointment of the applicants as Assistant Catering Manager in January 1986	R-IX, R-X & R-XI.	10 to 12
6.	Railway Board letter No.E(NG)II/88/RR1/8 dated 26-4-1988.	R-XII.	13
7.	Applicants appointed as Catering Managers in Grade Rs. 1200-2040(RSRP) on different dates.	R-XIII, XIV & XV.	14&15.
8.	4th Respondent's letter dated 12-1-88	R-XVI.	16&17
9.	Indent for recruitment of Asst. Catering Manager dated 22-2-1983.	R-XVII	18
10.	Railway Board's letter dated 22-3-1993 .	R-XVIII	19

DATE :

PLACE : Hyderabad.

*M. V. S. Rao*  
COUNSEL FOR THE RESPONDENTS

Note

Annexure - R/S

3. 0. (RC) 562/30/II

12-7-84

(16)

3 pens

Sub:- Recruitment of class III staff - Catering  
Manager in scale Rs 330-480 (25) in  
S.C. Railway.

—xxx—

Applications on the prescribed form  
together with their enclosures in favour of the following  
four candidates selected by RSC/SC to the above category  
are sent herewith for appointing them on this Railway  
(except on U/R division) after they are certified medically  
fit for the post and complying other formalities.

<u>S.No.</u>	<u>S.O.</u>	<u>Roll No.</u>	<u>Name of the Candidate</u> <u>S/She.</u>	<u>Community</u>
1	1	884004	T. Murali Krishna	--
2	2	880002	Khasal Ekmal	SC
3	3	880001	T. R. Ravinder	SC
4	4	884001	M. S. Sumanth	--

(Four Candidates Only)

The names of the above candidates are  
arranged in the order of merit and they may be given  
appointment in the strict order of merit assigned to them.

As regards to the verification of character and  
antecedents of the candidates, the instructions contained  
in their select letter no. E (RSC) 18 684-1, dated 12-7-84  
may be strictly adhered to.

The date of the panel is 06-07-84 and  
it will be current for the year from that date.

Materialization particulars of the above  
candidates may please be furnished in due course to  
enable the same being furnished to the Commission.

End:- For RSC applications  
along with their enclosures.

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3

- 2 -

4.2. In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'Selection' post), the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'selection' or 'Non-selection' posts (as the case may be).

4.3. Vacancies existing on 1-1-1984 and those arising on that date from this cadre restructuring should be filled in the following sequence:-

- i. From panels approved on or before 15-7-1984 and current on that date; and
- ii. balance in the manner indicated in paras 4.1 and 4.2. above.

4.4. Vacancies arising after 1-1-1984 will be filled in accordance with the procedure normally applicable to selection and non-selection posts.

5. The Ministry of Railways have also decided that direct recruitment of Diploma Holders in ~~Catering~~ Catering to scale Rs. 330-560 laid down in this Ministry's letter No. E(NG) III-77-RC1/21 dated 26/27-2-80 should be discontinued forthwith. Instead there shall now be direct recruitment (though the Railway Service Commission) against 20% of vacancies in scale Rs. 425-640 from amongst Diploma Holders in Catering from recognised Institutions. The direct recruitment to grade Rs. 425-640 will be with reference to vacancies arising after 1-1-84.

6. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in higher grades arising as a result of restructuring.

7. The Non-functional selection grade posts created in the Categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grades them till the next review. Details of such cases should be reported to the Board by 31-12-84.

8. In all the categories covered by this letter even though posts in higher scales of pay have been introduced as a result of restructuring, the basic function, duties and responsibilities, attached to these posts at present will continue to which may be added such other duties and responsibilities as considered appropriate.

9. The Board desire that restructuring and posting of staff after due process of selection should be completed expeditiously.

10. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1984-85 and include them in the Revised Estimates for 1984-85.

11. Hindi version will follow.

12. Kindly acknowledge.

Copy of Board's letter No. PC III-81/JCM/UC/1 dated 17-7-1984 addressed to the General Managers, All Indian Railways, CLW, QLU and ICF.

67

Sub: Cadre review and restructuring of Group 'C' cadres.

The staff side had placed a demand in the Departmental council of the Joint Consultative Machinery for restructuring of the cadre of Catering Managers/Inspectors. After detailed discussions in the Committee of the Departmental Council, the Ministry of Railways have decided to restructure the cadre of Catering Managers/Inspectors on the following basis:-

<u>Designation</u>	<u>Scale (Rs)</u>	<u>Prescribed %age</u>
Chief Catering Inspector	700-900	10
Catering Inspector Gr. I	550-750	20
Catering Inspector Gr. II	425-640	20
Catering Managers	330-560	20
Asst. Catering Managers	260-430	30

2. The Ministry of Railways have also decided that 33 1/3% of the existing cadre of Bill Issuers in scale Rs. 225-308 should be placed in scale Rs. 260-430, and designated as Catering Store Clerk. The posts placed in Rs. 260-430 from Rs. 225-308 in the category of Bill Issuers should be kept separate from Asst. Catering Managers in scale Rs. 260-430. The upgraded posts of Rs. 260-430 shall be filled entirely from the category of Bill Issuers in scale Rs. 225-308 by seniority-cum-suitability. Posts of Asst. Catering Managers Rs. 260-430 will continue to be governed by existing rules prevailing on the Zonal Railways relating to promotion, selection etc.

3. Staff selected and posted against the additional higher grade posts, as a result of restructuring will have their pay fixed under rule 2018-B(FR-22C)RII with effect from 1-1-1984. The benefit of fixation effective from 1-1-84 will also be applicable to the chain/resultant vacancies. In effect, the benefit of fixation from 1-1-84 should be given against all vacancies which arise from restructuring.

4.1. The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-selection" as the case may be remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade is classified as "Selection" in such case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva-voce test. As such, under this procedure, the categorisation as 'Outstanding' will not exist.

(4) Annexure - R300/1  
By Regd. To Govt. (13)  
66  
SOUTH CENTRAL RAILWAY

RAIL NILAYAM  
Personnel Branch,  
Secunderabad.

SlrP(C)513/Catering Manager.

Dated 6-3-85.

Shri G. Murakrishna,

Plot No. 88, Lawthamagan,

Hyderabad-500044

Sub: Recruitment of SC candidate-r.

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale R.330-530 (R). As the Railway Board have decided that the direct recruitment of Catering Manager-r in scale R.330-530 (R) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale R.330-530 (R). However, since you have been selected by the Railway Service Commission for appointment on this Railway, it has been decided to offer you an appointment to the post of an Asst. Catering Manager, scale R.250-430 (R), on this Railway. If you are willing to accept this offer, you may send your acceptance in the proforma attached to be considered for appointment to the post of Asst. Catering Manager, scale R.250-430 (R), as and when vacancies arise, in case of your acceptance. If no reply is received by 30.3.85 from you, it will be treated that you are not willing to accept the offer for appointment to the post of Asst. Catering Manager, scale R.250-430 (R).

Encl: as above.

(S.K. Tharengate)  
Asst. Personnel Officer

(5) Annexure - R4 Recd. 20/11/35 63  
By 70  
COAST CENTRAL RAILWAY

RAIL HILAYAN  
Personnel Branch,  
Secunderabad.

Dep(C)233/Catering Manager-1

Dated 6 -3-35.

Sani Mir Hasanullah

29/149, New Vidyamagar Colony,

Camakrishnagaram.

Sub: Recruitment of MC candidates.

- - -

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale B.330-550 (MC). As the Railway Board have decided that the direct recruitment of Catering Manager-1 in scale B.330-550 (MC) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale B.330-550 (MC). However, since you have been selected by the Railway Service Commission for appointment on this Railway, it has been decided to offer you an appointment to the post of an Asst. Catering Manager, scale B.230-430 (MC), on this Railway. If you are willing to accept this offer, you may send your acceptance in the proforma enclosed, duly acknowledging the receipt of this letter. You will be considered for appointment to the post of Asst. Catering Manager of your B.230-430 (MC). A copy is received by 30-3-35 from you, it will be treated that you are not willing to accept the offer for appointment to the post of Asst. Catering Manager, scale B.230-430 (MC).

Encls: as above.

(C. M. Aranganate)  
Asst. Personnel Officer

1085

20/11/35

6  
Annexure - RST, POU  
64  
7  
CENTRAL RAILWAY

RAIL NILAYATI  
Personnel Branch,  
Secunderabad.

No. P(C) 533/Catering Manager-s

Dated 6-3-35.

Shri P.C. Ravindran

185/7 Plassi Lines,

Bowenpally

Secunderabad - 500011

Re: Recruitment of D.C. candidates.

---  
You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale A.330-530 (E). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale A.330-530 (E) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale A.330-530 (E). However, since you have been selected by the Railway Service Commission for appointment on this Railway, it has been decided to offer you an appointment to the post of an Asst. Catering Manager, scale A.230-430 (E), on this Railway. If you are willing to accept this offer, you may send your acceptance in the proforma enclosed, duly acknowledging the receipt of this letter. You will be considered for appointment to the post of Asst. Catering Manager, scale A.230-430 (E), as and when vacancies arise, in case of your acceptance. If no reply is received by 30.2.35 from you, it will be treated that you are not willing to accept the offer for appointment to the post of Asst. Catering Manager, scale A.230-430 (E).

Encls: As above.

8  
E/C (N.K. Kharmata)  
Asst. Personnel Officer

(7)

Ameyare - R 6

10

(72)

I accept the offer of appointment to the post of Asst. Catering Manager, scale Rs.260-400 (RS) on South Central Railway, and will <sup>not</sup> claim for appointment to the post of Catering Manager, scale Rs.330-560 (RS) at a later date.

Hassay

(Name MIRHASSANULLAH)

Signature of the Candidate

Date: 16-3-85.



The C.P.E.  
S.C. Railway  
S.C. Railway

Annexure - R &

(41)

PROFORMA

9  
76

I accept the offer of appointment to the post of  
Asst. Catering Manager, scale B.260-430 (RS), on S.C. Railway,  
and will not claim for appointment to the post of Catering  
Manager, scale B.330-560 (RS), at a later date.

(Signature) 13/3/85  
Name T.R. RAVINDRA  
Signature of the candidate  
Date:

185. P. D. S. L. LINES  
P/O. ROWINDALLY  
SECOND DEPTD  
S.D. 2/11  
(14/1)

P.L.  
P.O. 563/C.M.S.

Annexure - R9  
P. 1/1/1940 (1000)

SOUTH CENTRAL RAILWAY

RAILWAY  
Personnel Branch,  
Secunderabad.

No. P(C) 883/Catering Manager's

Dated 6-3-35.

Sri T. Munali Krishna Rao,

Plot No. 88, Lakshmanagar,

Hyderabad - 500044.

Sub: Recruitment of A.C. candidates.

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale Rs. 330-530 (P). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale Rs. 330-530 (P) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale Rs. 330-530 (P). However, since you have been selected by the Railway Service Commission for appointment on this Railway, it has been decided to offer you an appointment to the post of Asst. Catering Manager, scale Rs. 260-430 (P), on this Railway. If you are willing to accept this offer, you may send your acceptance in the proforma enclosed, duly acknowledging the receipt of this letter. You will be considered for appointment to the post of Asst. Catering Manager, scale Rs. 260-430 (P), as and when vacancies arise, in case of your acceptance. If no reply is received by 30-3-35 from you, it will be treated that you are not willing to accept the offer for appointment to the post of Asst. Catering Manager, scale Rs. 260-430 (P).

Encl: As above.

(S. K. Narangate)  
Asst. Personnel Officer

(11)

Annexure 1/19/20  
76 (21) (35)

**SOUTH CENTRAL RAILWAY**

RAIL HILYARI  
Personnel Branch,  
Secunderabad.

Dated 1-3-35.

No.P(C)562/Catering Manager.

Mr. G.C. Narasimha  
185/9 Plassi Lines,  
Brown Pally  
Secunderabad-500011

Sub: Recruitment of A.C. candidate-s.

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale B.330-530 (N). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale B.330-530 (N) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale B.330-530 (N). However, since you have been selected by the Railway Service Commission for appointment on this Railway, it has been decided to offer you an appointment to the post of Asst. Catering Manager, scale B.230-430 (N), on this Railway. If you are willing to accept this offer, you may send your acceptance in the proforma enclosed, duly acknowledging the receipt of this letter. You will be considered for appointment to the post of Asst. Catering Manager, scale B.230-430 (N), as and when vacancies arise, in case of your acceptance. If no reply is received by 1-10-35 from you, it will be treated that you are not willing to accept the offer for appointment to the post of Asst. Catering Manager, scale B.230-430 (N).

Encl: As above.

S,  
G.C. Narasimha  
Asst. Personnel Officer

(12) Annexure - R II Regd. P.  
By 72 74  
CENTRAL RAILWAY

RAIL NILAYAM  
Personnel Branch,  
Secunderabad.

No. P(C) 563/Catering Manager-3

Dated 1-3-35.

Sri M. H. Hanamulla

29/149, New Vidyamagar Colony,

Channarayana, Secunderabad.

Sub: Recruitment of A.C. candidate-s.

---

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale Rs. 330-530 (R). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale Rs. 330-530 (R) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale Rs. 330-530 (R). However, since you have been selected by the Railway Service Commission for appointment on this Railway, it has been decided to offer you an appointment to the post of an Asst. Catering Manager, scale Rs. 250-430 (R), on this Railway. If you are willing to accept this offer, you may send your acceptance in the proforma enclosed, duly acknowledging the receipt of this letter. You will be considered for appointment to the post of Asst. Catering Manager, scale Rs. 250-430 (R), as and when vacancies arise, in case of your acceptance. If no reply is received by 30.1.35 from you, it will be treated that you are not willing to accept the offer for appointment to the post of Asst. Catering Manager, scale Rs. 250-430 (R).

Encls: As above.

Cy (P. K. Marangate)  
Asst. Personnel Officer

1385

1. 2. 3. 4. 5.

5702 5701 June 1988 - R-12  
भारत सरकार GOVERNMENT OF INDIA  
रेल मंत्रालय MINISTRY OF RAILWAYS  
(रेलवे बोर्ड Railway Board)

NO.E(NG)II/82/RR-1/3

रेल भवन, नई दिल्ली-110001, तिवि  
Rail Bhavan, New Delhi-110001, dated 9-1-1988

The General Manager,  
South Central Railway  
Secunderabad.

Sub:- Direct Recruitment of candidates through FRM/AC  
for the post of Catering Managers in grade  
B.330-560(PB).

Ref:- Your Railway's letter No.P(C)563/Catg.Manager  
dated 12.1.88 and 1.3.88.

In view of the circumstances explained in your  
letter of 12.1.1988 quoted above, the Railway Board have  
decided, as a special case, that your Railway administration  
may appoint the four candidates viz. S/Shri Muralikrishna,  
Kharat Ekanath, T.R.Ravinder, Mir Hasanullah, ~~appointed~~  
Catering Managers, in grade B.330-560(PB) / B.1200-2040(RP)  
against direct recruitment quota in the grade B.425-540(PB) /  
B.1400-2300(RPS) w.e.f. the date of such orders being  
passed.

( P. I. N. S. G. R. L. )  
DEPUTY DIRECTOR, ESTABLISHMENT (N)  
RAILWAY BOARD.

SPD/r

Central Railway

P(C)608/ACRI/II/

OFFICE ORDER NO.P(C)/104/88

General Manager's Office,  
Personnel Branch, Secunderabad

DATED: 15-7-1988

6. Subj: - Filling up of vacancies in the Catering Department.

7. following promotion/transfers are ordered with immediate effect:-

8. (No. Name	PRESENT		NOW POSTED AS		Remarks
	Designation (3)	Scale (RSRP) (4)	Divn./Unit (5)	Designation (6) Scale (RSRP) (7) Divn./Unit (8)	
9. s/Sri (2)		Rs.			
10. I.S.v.Muralidhar Rao (Promotion)	ACRI (ad-hoc)	1400-2300 (1-1-84)	BZA	ACRI 1400-2300	BZA Promoted on regular basis since empanelled.
11. V.V.G. atyanarayana (Promotion)	C.M.	1200-2040 (1-1-84)	BZA	ACRI 1400-2300	BZA vice Sri D. Jayaraman reverted - S.No. 12. 11
12. P.Krishnaraj (Promotion)	C.M.	1200-2040 (1-1-84)	BZA	ACRI 1400-2300	BZA vice Sri S. Sankaran. S.No. 13
13. V.Sivasubramanyam (Promotion)	C.M.	1200-2040 (1-1-84)	A.P. Express	ACRI 1400-2300	HQ vice Sri R.N. Bhatt reverted S.No. 13. 12
14. R. Viswas (Promotion)	C.M.	1200-2040 (1-1-84)	HYB	ACRI 1400-2300	KWJ/SC. vice Sri N. Radhakrishna. Attached by own request.

contd...2..

502

(15) (80)

Annexure - R15

SOUTH CENTRAL RAILWAY.

General Manager's Office,  
Personnel Branch,  
Secunderabad.  
Dated: -01-1990.

No.P(C)535/Catg.Insp/IX.

OFFICE ORDER NO.P(C)16/1990

Sub: Filling up of vacancies of Class III staff in the Comml.(Catg) Department.

1. The post of SCRI/Kohinoor Restaurant, scale Rs.1600-2660(RSRP) which was down graded as ACRI in scale Rs.1400-2300(RSRP) is now restored as SCRI in scale Rs.1600-2660(RSRP).
2. One post of ACRI/BZA scale Rs.1400-2300(RSRP) is transferred to HQ. *for a period of 6 months*
3. One post of CM/KZJ scale Rs.1200-2040(RSRP) is transferred to UBL. *for a period of 6 months*
4. One post of CM/GTL scale Rs.1200-2040(RSRP) is transferred to BZA. *for a period of 6 months*
5. One post of SCRI scale Rs.1600-2660 which was down graded vide DRM(MG)HYB letter No.YP/529/Catg. dated 9.8.89 as ACRI grade Rs.1400-2300(RSRP) is now restored as SCRI and transferred to SC division *for a period of 6 months*
6. One post of ACRI/BZA scale Rs.1400-2300(RSRP) is transferred to HYB(MG).

Consequently the following promotions/transfers are ordered with immediate effect.

Sl. No.	Name S/Shri	Present			Now posted as			Remarks
		Design.	Scale Rs.	Divn/ Unit.	Design.	Scale	Divn./ Unit.	
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	R.Ramesh Babu	ACRI	1400-2300	BZA	SCRI	1600-2660	SC	Against the post transferred from MG Divn.
2.	V.V.L.Sridhar Rao	ACRI	-do-	"	SCRI	-do-	HQ	Vice Shri K.Rama Rao transferred to BZA vide O.O.No.P(C)4/90 of 4.1.90. ...2/-

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Pro

47

(82) : 2 : (17)

(18)  
FHM (Rising)

4. The South Central Railway employees Sangh has brought this as an item in the PHM Meeting held on 2.12. and 3.12.87 and represented their cases for absorption as Catering Managers in scale Rs.1400-2300 (RSRP) against vacancies thrown open for Direct Recruitment as one time dispensation stating that this would be fair since after a lot of difficulties the Railway could get qualified candidates in the cadre and also they were selected for the posts in scale Rs.330-560(RS)/Rs.1200-2040(RSRP).

5. There are 4 vacancies of Asst. Catg. Inspector in scale Rs.425-640(RS)/Rs.1400-2300(RSRP) against direct recruitment quota. As the 4 candidates referred in para 1 above recruited by RSB in scale Rs.330-560(RS) have the requisite qualification of Diploma in Catering, they are equally eligible to be considered for the higher grade post also and instead of going in for fresh recruitment, it is a matter for consideration whether they can be straight away offered the post in scale Rs.425-640(RS) against the direct recruitment quota.

6. Board are requested to communicate their decision in the matter early.

(J.R. JYOTI)  
for General Manager.

12/1

top/-6.

(16)

(81)

Annexure - 2

No.P(C)563/Catg.Managers.

12.1.88.

The Secretary(E),  
Railway Board,  
New Delhi.

Sub:- Direct Recruitment of Candidates  
through RRB/SC for the post of  
Catering Managers in grade  
Rs.330-560(RS).

The following candidates were selected by the  
RRB/SC for the post of Catering Managers scale Rs.330-560  
(RS) during July, 1984:-

F5-7

1. Shri. Maralikrishna;
2. Shri. Kharat Ekanath(SC);
3. Shri. T.R. Ravinder (SC);
4. Shri. Mir Hasanullah;

2. Railway Board, in their letter No.PC-III-81/  
JCM/SC/1, dt. 17.7.84 have communicated the decision that  
direct recruitment of Diploma holders in Catering to  
scale Rs.330-560(RS) should be discontinued forthwith  
and instead there should be direct recruitment against  
20% of vacancies in scale Rs.425-640(RS) from amongst  
Diploma Holders in catering from Recognised Institutions.  
The direct recruitment in grade Rs.425-640(RS) will be  
with reference to vacancies arising after 1.1.84.

F58

3. In view of the specific instructions from the  
Board to discontinue direct recruitment in Gr. Rs.330-560  
(RS), the 4 candidates, referred to in para 1. could not be  
offered appointment as Catering Managers in Gr. Rs.330-560  
(RS), though selected by RRB. As an alternative they were,  
however, offered appointment as Asst. Catg. Managers in  
the lower scale Rs.260-430(RS) after obtaining their  
willingness to the said post.

...

(18)

Annexure-R17

54/83

INDENTS

No.P/56/3/T.Cell/Vacancy-position.

(83)

Dated: 22.2.83.

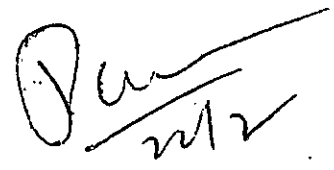
Note

Sub:-Indent for recruitment of candidates with the RSC/SC for 1983 & 84.

Please arrange to place an indent with the RSC/SC for the year 1983 and 1984 for the following categories as noted against each:-

Sr.No.	Category.	Scale	No.of candidates required.	Community			
				CC	SC	ST	Ex.S.
1.	ASMs.	B 330-560(RS)	100	74	11	5	10
2.	Catering Manager	B -do-	5	3	2	-	-
3.	Asst.Catg. Manager	B 260-430(RS)	20	15	1	2	2
total:			125	92	14	7	12

Note:- SC - 11%  
ST - 5%  
Ex.S - 10%

  
S.P.O(T)

SPO(R):

C/- to CC/Comm cadre sec., for information and n/a.

22/2/83

Copy of Railway Board's letter No. F(NG).11/88/KR-12  
dated 22.3.93 addressed to GM(P) & C.Rly/SC.

Sub: - Direct recruitment of candidates  
through KRB/Secundolal for the post  
of Catering Managers in grade Rs. 330-560.

Ref: - Your Railway's letter No. C.90/F.1/GM2  
dated 2.10.92 (F-17D)

-x-

Your railway's proposal for considering the  
four employees as Catering Managers in scale  
Rs. 425-640/Rs. 1400-2300 against direct  
recruitment quota has been re-considered by the  
Board but the same has not been agreed to.

Sd/-

(Shri L. N. Sarma)

Deputy Director Establishment  
Railway Board. (N).

Retained SR-75/94

att. of attestation should  
furnished  
material papers should be  
signed by the Counsel.

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

O.A.No.1156 of 1993.

Between :

T.R.Ravinder and  
two others. .. Applicants.

A n d

Union of India, Rep.  
by its Secretary,  
Railway Board, Rail  
Bhavan, New Delhi  
and 33 others. .. Respondents.

Completed with  
regopala Rao  
S-4 for Railway  
4/2

25/1/94

Received copy  
on 17-10-94.

to C. Pillai  
(M.C. Pillai) 17/10/94.  
Counsel for Applicants.

: COUNTER AFFIDAVIT FILED ON  
BEHALF OF THE RESPONDENTS :

FILED ON :



Received copy  
24/1/94

(for G. Ramachandra Rao)

6  
7/4/94  
May 1994  
M. V. R.

FILED BY :

SRI J.R.GOPALA RAO  
SC. FOR RAILWAYS.

COUNSEL FOR THE RESPONDENTS.

\* \* \*

## IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD:

O.A. No. 1156 of 1993.

Between:-

1. T.R.Ravinder.
2. T. Murali Krishna.
3. Mir. Hasanulla.

(all Catering Managers  
of South Central Railway)

APPLICANTS

a n d

## (A) Union of India represented by:

- (1) The Secretary, Railway Board,  
Rail Bhavan, New Delhi.
- (2) General Manager, South Central  
Railway, Secunderabad.
- (3) Chairman, Railway Recruitment  
Board, Secunderabad.
- (4) Chief Personnel Officer,  
South Central Railway, Secunderabad.
- (5) Chief Commercial Manager,  
South Central Railway, Secunderabad.
- (6) Dy.Chief Commercial Manager(Catering),  
South Central Railway, Secunderabad.
- (7) Sr.Commercial Manager(Catering),  
South Central Railway, Secunderabad.

RESPONDENTS

(B) Private Respondents:

- (8) V.V.Satyanarayana, Catering Inspector,  
South Central Railway, Vijayawada  
and 26 others.

RESPONDENTS.

REPLY AFFIDAVIT (REJOINDER) FILED BY THE APPLICANTS.

1. We, the applicants in OA No.1156 of 1993, i.e. (1) T.R. Ravinder, (2) T.Murali Krishna and (3) Mir Hasanulla, all working as Catering Managers on South Central Railway, do hereby solemnly affirm and sincerely state under oath as follows:-

2. The address for services and processes on the above named applicants is that of their Counsel, Shri M.C.Pillai,



① T.R. Ravinder  
② T. Murali Krishna  
③ Mir. Hasanulla

..2..

Advocate, Flat No.304, Kakatiya Apartments, Habshiguda,  
Hyderabad-500 007.

3. We, the applicants in the O.A. are well acquainted with the facts of the case. A copy of the counter affidavit filed by the Respondents Nos. 1 to 7 in the O.A. has been received by us on 17-10-94. As the counter contains misleading statements, we file the following rejoinder to apprise this Hon'ble Tribunal about the real facts.

4. REJOINDER:

4.1. At page No.10 of the counter, filed by the Respondents, it has been stated that the Railway Board under their letter No. PC.III-81-JCM-SCR dated 17-7-1984, had directed the Railway to discontinue the direct recruitment of Catering Managers in grade Rs.330-560(RS) with effect from 1-1-1984. It is a misleading statement. In para No.5 of the said Railway Board's letter dated 17.7.1984, it has been clearly stated that the recruitment of Catering Managers in scale Rs.330-560(RS) has to be discontinued "forthwith". That is to say, from the date of issue of the letter dated 17-7-1984. No where in the letter, it has been stated that the ban was effective from 1-1-1984. The mention in the letter about 1-1-1984 was for the effective date for restructuring and not for recruitment. Therefore, the ban was effective from the date of issue of the letter <sup>on 17-7-1984 and not</sup> from 1-1-1984 as contended in the counter. In the matter of appointments, putting back the clock is impossible and illegal. Hence, the Railway Board's letter has ordered the ban from the date of issue of the letter and not given retrospective date of 1-1-1984.

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① *[Signature]*  
② *[Signature]*  
③ *[Signature]*

4.2. According to the statements in the counter, the Respondents placed indent on the R.R.B. for recruitment of the Catering Manager in scale Rs.330-560(RS) on 4-3-1983 and the panel was made available on 6-7-1984, and the ban on such recruitment was issued on 17-7-1984. As the ban was not with retrospective effect of 1-1-1984 and the panel formed was made available well before the ban imposed on 17-7-1984, the panel was outside the scope of the ban and the candidates were to be appointed. Therefore, we submit that the denial of appointment to us was illegal and malafide.

4.3. It is also stated in the counter that there is no guarantee of employment on the Railways to the candidates selected by the Railway Recruitment Board, as it depends upon the availability of vacant post in the relevant categories. While making such statement, it has not been indicated anywhere in the counter as to what had happened to the vacancies against which the recruitment was ordered. After assessing the vacancies only, the indents were placed on the Railway Recruitment Board. The total vacancies were arrived at based on the rules laid down in the Railway Board's letter circulated under CPO/S.C. Railway, Secunderabad's serial circular No.19/1983. The vacancies thus arrived at include the actual number of existing vacancies plus a small percentage of such vacancies towards anticipated vacancies. In this case, none was appointed from the panel. As per the restructuring orders dated 17.7.1984 of the Railway Board, only 20 per cent of the vacancies in grade Rs.330-560(RS) shall go to the restructuring. Also, under para No.4(3)(i) of the said letter, the vacancies that were existing prior to the restructuring date of 1-1-1984 were to be filled up from the panel approved on or before 15-7-1984, and the panel under reference was ready and reached

*[Handwritten signature]*

① *[Handwritten signature]*  
 ② *[Handwritten signature]*  
 ③ *[Handwritten signature]*

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(83)

the Respondents on 6-7-1984. Therefore, the stand taken in the counter about the non-availability of vacancies is untenable.

4.4. According to the Article 309 of the Constitution of India, the letter at page No.1837 of the AIR - 1984 - SC - 1831 mentioned in the O.A. is a presidential order. The said letter is a dicta that once a person is declared as successful and included in the select list, the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change.

4.5. It has also been stated in the counter that since the element of direct recruitment was not existing in scale Rs.330-560(RS), it was ordered to appoint the applicants in scale Rs.260-425(RS) and charged their pay and allowances against higher grade post of Rs.330-560(RS). There is no such arrangement mentioned in the Office order issued. When a person has been appointed against a post, he has to discharge the responsibilities attached to that post and if he fails to do so, he is liable for disciplinary action. Moreover, as per Establishment Rules, absorbing a candidate to a lower grade post when he is recruited against a higher grade post is also illegal.

4.6. From the above paragraphs, this Hon'ble Tribunal may please observe that the panel of the applicants was outside the ban effective from 17-7-1984; it was formed against clear vacancies and governed by the case law quoted in the O.A., but we were denied appointment in the recruited post deliberately. It was, illegal and malafide.

13

① ...5...  
② P. Murali  
③ Hanay

4.7. It has been stated in the para 6 of the counter that though the applicants possessed higher technical qualifications for the job, it cannot be said for sure that the applicants were suitable to hold the post in grade Rs.425-640(RS) at the time of their appointments to service. In this connection, we submit that it is another misleading statement. We are not claiming higher post in grade Rs.425-640(RS) from the date of our initial appointment, but only from the date ~~when we were asked to hold the post while in service.~~ when we were asked to hold the post while in service. For this purpose, we claimed our recruited post in grade Rs.330-560(RS) from the date of our initial appointment and subsequently from the date we were asked to shoulder higher responsibilities in grade Rs.425-640(RS) as a promotion in service. The shouldering of higher responsibilities of the post in grade Rs.425-640(RS) was already certified by the competent authority under his office note mentioned in the O.A.

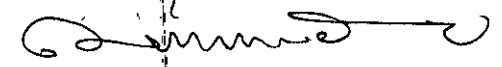
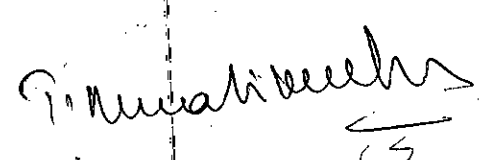
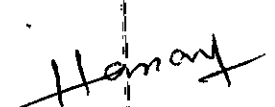
4.8. The case Law quoted in the O.A. has clearly stated that offering a Lower post, when recruited in a higher grade, is not covered by any rules, and illegal. Using the unemployed distress condition of the candidates, like a Private employer, coercing them to sign a statement of dotted line, cannot be called as their willingness. No free will exists in it. The estoppel is equally applicable to the Respondents also. When they had obtained the so-called declaration from the candidates that they would not claim the post of Catering Manager in grade Rs.330-560(RS) at a later date, and ignoring the declaration when the candidates subsequently claimed the same and the respondents granted it, the respondents are estopped from raising the existence of the declaration to suit their convenience.

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① *[Signature]*  
② *[Signature]* 6...  
③ *[Signature]*

4.9. In view of what has been stated in the foregoing paragraphs, we submit that we are entitled for the seniority in the recruitment grade of Rs.330-560(RS) also, from the date of our initial appointment and higher pay and allowances in scale Rs.425-640(RS) from the date we were asked to shoulder higher responsibilities of the post with all consequential benefits since it was certified and recommended by the competent authority. Accordingly, we pray that this Hon'ble Tribunal may be pleased to allow the O.A. with all consequential benefits of arrears of pay, seniority, etc. etc.

VERIFICATION:- We hereby verify that the contents of paras 1 to 4(9) are true to legal advice and that we have not suppressed any material facts.

- (1) 
- (2) 
- (3) 

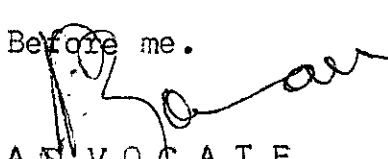
Hyderabad,

Dated: 27/12/94.


DEPONENTS

Solemnly affirmed and signed  
on this the 27th day of October,  
1994 at Hyderabad.

Before me.

  
ADVOCATE

Countersigned by:

  
(M.C. Pillai)  
Counsel for the  
Applicants.

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL AT HYDERABAD.

~~M.A. No.~~ of 1994.

In

O.A. No. 1156 of 1993.

Between:

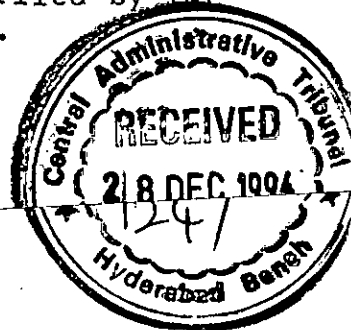
T.R. Ravinder &  
others. Applicants.

and

Union of India,  
Rep. by Secretary,  
Rly. Board,  
New Delhi &  
others. Respondents.

Sub:- Rejoinder filed by the  
Applicants.

Filed on:



Filed by:

M.C. Pillai, B.Com. (Hons), LL.B.,  
Advocate, Flat No. 304,  
Kakatiya Apartments,  
Habshiguda, Hyderabad-500 007.

Counsel for the Applicants.

Recd copy  
S. Ramachandra  
27/12/94  
Adm. & P. Secy

Recd copy

4. J. V. Gopikumar  
28-12-94

May be filed  
at  
30/12/94

(32)

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Original Application No.1156/1993.

Date of decision: 22-4-1996.

Between:

1. T.R. Ravinder
  2. T. Murali Krishna
  3. Mir Hasanulla
- .. Applicants

and

- |  |                         |
|--|-------------------------|
| 1. The Secretary,<br>Railway Board,<br>New Delhi             | 19. S. Mane             |
| 2. The General Manager,<br>S.C.R., Secunderabad.             | 20. N. Prasuramulu      |
| 3. The Chairman,<br>R.R.B., Secunderabad.                    | 21. A. Obul Reddy       |
| 4. Chief Personnel Officer,<br>SCR, Secunderabad.            | 22. V. Sreerama Murthy  |
| 5. Chief Commercial Manager (Catg.)<br>SCR, Secunderabad.    | 23. V.N.Y. Somayajulu   |
| 6. Dy. Chief Comml. Manager (Catg.)<br>S.C.R., Secunderabad. | 24. K. Ram Babu         |
| 7. Sr. Comml. Manager (Catg.)<br>S.C.R., Secunderabad.       | 25. P. John Marie       |
| 8. V.V. Satyanarayana  | 26. K.S. Narayana       |
| 9. P. Krishna raj  | 27. K. Sadasiva Chetty  |
| 10. V. Subramanyam   | 28. M. Hemantha Kumar   |
| 11. R. Viswas  | 29. V. Rajender         |
| 12. K. Madhusudhana Rao                                      | 30. P.V. Ravindranath   |
| 13. M. Babu Rao  | 31. R. Balasubrahmanyam |
| 14. D.L.V.S. Varma   | 32. B. Chander Rao      |
| 15. E.D. Koteswara Rao                                       | 33. S. Prakasa Rao, and |
| 16. T. Panduranga Vittal                                     | 34. V. Venkateswarlu    |
| 17. K.T. Vishnudas Babu                                      |                         |
| 18. R.M. Bihara  |                         |
- .. Respondents

COUNSEL FOR THE APPLICANTS : Sri M.C. Pillai for 1 and 2  
Sri K. Lakshminarasimha  
for Appl. No. 3

COUNSEL FOR THE RESPONDENTS : Sri J.R. Gopala Rao,  
SC for Railways  
Sri G. Ramachandra Rao,  
for RR 11 to 34

CORAM:

HON'BLE MR. JUSTICE M.G. CHAUDHARI : VICE CHAIRMAN *hull*

HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (A)

*g.*  
..Contd.

8A.1156/93

dt.22-4-96

Judgement  
Oral Order

( Per Hon. Mr. Justice M.G. Chaudhari, V.C. )

Heard Sri M.G. Pillai, learned counsel for the applicants and Sri J.R. Gopal Rao, for the respondents.

2. The applicants seek the following reliefs :

- i) To treat them as appointed in the scale of Rs.330-560 (RS) from their initial date of appointment in 1986 to the year 1988.
- ii) To treat them as working against the higher post in scale of Rs.425-640(RS) from 1988 onwards and pay them arrears of pay due to them for shouldering higher respon-
- iii) to grant seniority on both counts with all consequential benefits.

3. In pursuance of an employment notice published on 18-9-1983, the applicants applied for the post of Catering Managers in the scale of Rs.330-560.

As a result of the selection conducted they were empanelled in order of their seniority. The Applicant No.2 was placed at Sl.No.1. Applicant No.1 at Sl.No.2 and the Applicant No.3 was placed at Sl.No.3 in the panel. However, they were not appointed to the posts. Instead thereafter they were advised by the R-4 by letter dated 8-3-1995 that although they have been selected by the Railway Service Commission for appointment to the post of Catering Manager in the scale of Rs.330-560 but as the Railway Board had decided that the Direct Recruitment to that post in the scale should be discontinued with effect from 1-1-1984 it was not possible to offer them the appointment to the post of Catering Manager in the scale

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34

of Rs.330-560 (RS) but since they were selected by the Commission, it was decided to offer them appointment to the post of Assistant Catering Manager in the scale of Rs.260-430(RS) and they may send their acceptance if they are willing to accept that offer. The applicants showed their willingness for the lower posts and accepted the appointment as Assistant Catering Managers in the scale of Rs.260-430 with effect from 10-1-1986.

4. The Railway Board had taken a decision to make direct recruitment of catering Managers in the scale of Rs.425-640(RS) in view of the scale of <sup>330-560(RS)</sup> ~~Rs.330-480(RS)~~ which was discontinued. It was <sup>claimed</sup> ~~averred~~ by the applicants that since direct recruitment vacancies in the scale of Rs.425-640 were ~~many~~ unfilled they were shouldering higher responsibilities attached to <sup>the</sup> ~~that~~ post and therefore they were legitimately <sup>expecting</sup> ~~accepting~~ the ~~same~~ <sup>higher</sup> grade given to them. They filed representation on those lines. Respondent No.6 and 3 respectively referred their cases to the Railway Board for grant of higher grade in the light of their representations. The Railway Board, however, did not agree and turned down that proposal vide letter dated 22-3-1993. The applicants, therefore ~~averred~~ that they have acquired a right for appointment to the ~~post~~ from the date they were empanelled as Catering Managers and they are entitled to be remunerated for discharging higher responsibilities <sup>which</sup> ~~for~~ they are shouldering from 1988 onwards. They contend that although the vacancies of Catering Managers were available from 1986 still 88, they were not appointed ~~and although~~ they shouldered higher responsibilities from 1988 onwards

*full*

(94)

they were paid only in the grade of Rs.330-560 and not in the grade of Rs.425-640 and that resulted in causing them monetary loss as well as loss of seniority and therefore they are entitled to be granted <sup>the reliefs which</sup> leaves which they have prayed for.

5. In short on the basis of their empanelment the applicants seek all the benefits of the post of Catering Manager in the higher scale of Rs.330-<sup>560</sup>~~480~~ and further the benefits of scale of Rs.425-640 notwithstanding the fact that they accepted the appointment to the post of Assistant Catering Manager in the scale of Rs.260-430 (RS). They contend that the action of the respondents in not accepting their claim as is of Articles 14 and 16 of the Constitution of India and it is also violative of Presidential orders contained in the Home Ministry's letter as referred to in the decision of Union of India)).

6. It may be mentioned at this stage that the applicants have been promoted to the post of Catering Managers in the scale of Rs.330-560. The applicant No.1 was appointed in Applicant No.3 was appointed in January 1990. Thus they claim difference of pay from 1986 to 1988 and higher remuneration for the period from 1988 onwards.

*msc*

96

7. The respondents 1 to 7 have explained the position in detail in their reply affidavit. The position as explained is that an indent was placed on the Railway Recruitment Board, Secunderabad on 4-3-1983 for recruitment of 5 candidates for appointment to the post of Catering Manager in the scale of Rs.330-560 (RS) for filling up future vacancies. The Board formed a panel of 4 candidates amongst whom were the 3 applicants, on 6-7-84. However, the Railway Board communicated its decision on 17-7-84 to discontinue forthwith the direct recruitment in the scale of Rs.330-560 and instead directed recruitment against 20% of vacancies in the cadre of Catering Inspector/Gr.II in the scale of Rs.425-640. The minimum qualifications were also prescribed. The decision taken by the Railway Board as above was after a detailed discussion with the representatives of staff in the <sup>taken</sup> Committee of Department Council which constituted the Joint Consultative Machinery. In the light of the decision of the Railway Board vide letter dt.17-7-84 the applicants could not be offered appointment in the pre existing category of Catering Manager in the scale of Rs.330-560 for which they had post of Asst. Catering Manager in the scale of Rs.250-430 in March, 1985. All the applicants accepted the said

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offer and made written declaration to that effect and were thereafter appointed as the Asst. Catering Managers in the scale of Rs.260-430.

8. The S.C.R. Employees Sangh, Secunderabad raised the issue before the Permanent Negotiating Machinery during the meeting held in December, 1987 and demanded that appointment of the applicants to the category of Asst. Catering Inspector in the scale of Rs.425-640 (RS) may be considered having regard to their qualifications and selection. The issue was referred to the Ministry of Railways. The Ministry took a decision which was communicated on 26-4-88 to appoint the applicants to the post of Catering Managers in the scale of Rs.330-560 as a special case against direct recruitment quota of higher grade posts in the scale of Rs.425-640. Pursuant to that decision as soon as two vacancies became available in higher grade which were downgraded for adjustment purpose, the first two applicants were appointed on 15-7-88. Likewise the 3rd applicant was appointed on 30-1-90 when a post was available. They were assigned seniority in the category of Catering Manager from the date of joining the post. Thus, according to the respondents, in view of the decision of the Railway Board to discontinue the direct recruitment to the post of Catering Manager in the scale of Rs.330-560 for which the applicants had been selected

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the applicants could not be appointed and the Ministry had later on directed their promotion as a special case to the post of Catering Manager in that scale although that scale was no longer in existence. The respondents also contend that although they were given the benefit of the scale of Rs.330-560 as a special case the applicants had already accepted the appointment in the post of Asst. Catering Manager in the scale of Rs.260-430 and did not suffer any prejudice and therefore the claim made by them is liable to be refused. The respondents have also explained that the panel in which the names of the applicants were included was prepared in anticipation of the occurrence of vacancies and that did not confer any right upon the applicants to be appointed. But that at the same time the circumstance that they had been selected was considered by the Ministry and as a special case they were given the scale in which they were selected. In other words, it is contended that the applicants were given the same post for which they were selected in the same scale of pay for which they applied but as that could be done only after the Ministry had cleared the proposal as a special case the applicants cannot get the benefit thereof from the date of empanelment. They also contend that factually there were no vacancies available in the grade of Rs.330-560 when the applicants were empanelled.



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9. The respondents (1 to 7) also deny that the applicants were directed to discharge duties or higher responsibilities or the duties and responsibilities attached to the post of Catering Inspector. Thus they deny the claim of the applicants for higher remuneration in the scale of Rs.425-640 from 1988 onwards. The respondents state that never any office order was issued directing the applicants to discharge any higher responsibilities. The respondents strongly contend that since the applicants had accepted the appointment to the post of Asst. Catering Manager in the lower scale they are estopped from raising the pleas which they have raised in the instant application.

10. The question therefore lies in a very narrow compass. There is no dispute on the point that the applicants were qualified <sup>to be appointed</sup> to the post of Catering Manager. They have been appointed to that post from 1988/1990. They have been given the scale for which they had applied viz. Rs.330-560 (RS). They cannot therefore claim the scale of Rs.425-640 (RS) as a matter of right.

11. Now it is well established that the empanelment after a selection to a post does not create a right to be appointed as a vested right. A person so selected can only have legitimate expectation of being appointed and if some-

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grievance and claim a preferential right on the basis of the selection. The empanelment of the applicants did not create in them any vested right to be appointed as Catering Managers if there were no posts available or the recruitment could not be made as was intended for any valid reasons. The circumstance that the applicants were empanelled and found suitable to be appointed as Catering Managers and yet they had missed the chance was sympathetically considered by the Ministry and they were given the benefit of that selection as originally intended. The decision of the Ministry was however was prospective in nature. The decision taken <sup>as</sup> has reflected in the letter dt.26-4-88 reads as follows:

"In view of the circumstances explained in your letter of 12-1-88 quoted above, the Railway Board have decided, as a special case that your Railway Administration may appoint four candidates (viz. the 3 applicants and one more person) as Catering Managers in grade Rs.330-560 (RS)/Rs.1200-2040 (RP) against direct recruitment quota in the grade of Rs.425-640 (RS)/Rs.1400-2300 (RPS) with effect from the date of such orders being passed."

The letter was issued by the Ministry of Railways (Railway Board) and was addressed to the General Manager, SCR. Two things have to be noticed from this letter. Firstly, the applicants were placed in the scale of Rs.330-560

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by making the posts from the quota in the grade of Rs.425-640 available to them as a special case; secondly, that appointment was to operate from the date of orders being passed and not retrospectively. The applicants, therefore cannot hope to get anything beyond the provision made in this decision. The applicants in the absence of any vested right cannot compel the Railway Board to take a decision to make their appointment retrospective. This benefit was given to the applicants despite their having accepted the lower post. Against this decision, the applicant No.1 had filed a representation to the General Manager. It is pertinent to note that the decision aforesaid was not challenged on any ground nor it was claimed that it should be given retrospective effect. The power and authority of the Board to take such a decision was not questioned. What was represented was that it was quite unjustified that only wages of a Catering Manager in the scale of Rs.330-560 was being paid when the work of an Asst. Catering Inspector/Manager in the scale of Rs.425-640 was being extracted from him against the clear vacancy of the said post in the scale of Rs.425-640. It was therefore requested that he should be paid higher emoluments for the higher responsibilities of the post being shouldered. The decision of the Board therefore stood unchallenged and has not been challenged in the application. There is no relief claimed for quashing the same. It is given the appointment to the applicants in terms of the decision of the Railway Board. We cannot therefore ~~cannot~~ go behind that decision.

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12. It is further relevant to note that in the light of the representation of applicant No.1 as above, the local officers had recommended to consider the applicants for the post of Catering Managers in the scale of Rs.425-640 by letter dt.29-5-92. The Board reconsidered the question but did not agree with the above recommendations and rejected the same by their letter dt.22-3-93.

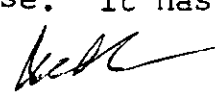
13. Sri M.C.Pillai, the learned counsel for the applicant firstly submitted that the respondents had ~~mis-~~ <sup>misinterpreted</sup> interpreted the direction of the Railway Board. Next he submitted that <sup>since</sup> ~~the fact that the~~ applications were invited by advertisement, it must be presumed that the respondents notified were factually available on the date on which the applicants were empanelled and therefore they could not be denied the ~~right of~~ appointment to the post as were notified. Thirdly, he submits that the selection process was completed before the decision of the Railway Board to discontinue the original scale had been taken and therefore it could not be applied. He also argued in this connection that the restructuring ordered by the Railway Board on 17-7-84

The applicants had to loose their chance <sup>to be appointed</sup> on the basis of <sup>by reason thereof</sup> their selection and this is illegal. He submitted that by ~~not giving the benefit of appointment from 1986 not only~~ the seniority of the applicants in the grade of Catering Managers has been <sup>adversely</sup> affected but they have also <sup>been</sup> deprived of monetary benefit of the higher scale.

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14. We find it difficult to accept these submissions. We have already referred to the decision of the Railway Board which has been correctly followed and there is therefore no room to take the view that it has been misinterpreted by the official respondents. Then insofar as the vacancy position is concerned although vacancies may have been available that does not automatically mean that in the light of the decision of the Board to discontinue direct recruitment to those posts these could be filled up because before the decision of the Board came, these were not filled up by appointment of the applicants or others. The circumstances that a decision of the Board was made retrospective in operation so that the date of selection also fell within the ambit of that decision is not therefore a material circumstance.

(1 to 7) rightly relied in this connection on the decision of the Supreme Court in J.S.Dalal v. State of Haryana and Anr. AIR 1979 LAB.I.C.844. It was held by their Lordships that the mere fact that certain candidates were selected for appointment to the vacancies pursuant to an advertisement that did not confer any right upon the candidates appointed to the posts in question and they could not seek a writ of mandamus or any other writ compelling the authorities to make the appointment. The ratio would with respect apply to the instant case also. The learned counsel also referred to the decision of the Supreme Court in S.S.Dash v. UOI 1991 LAB.I.C. 1460. That decision squarely applies to the instant case. It has been held as follows:



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"It cannot be said that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies."

// A word of caution was also sounded. It was observed thus "however it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons .....". This provides complete answer to the submissions advanced by the applicants therefore cannot be held to have acquired an indefeasible right to be appointed although their names were included in the select panel. Similarly, the decision of the Railway Board having intervened and the proposed was discontinued as a matter of policy it cannot be held that the decision of the respondents not to initially appoint the applicants in the same scale of pay for which although the applicants were selected but could not be appointed as the recruitment was discontinued in that scale, they were ~~therefore~~ offered appointment as Asst. Catering Managers and they accepted the same. The apparent injustice ~~that was~~ inherent in the situation where the applicants had

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been selected but could not be appointed. <sup>Like the name posts</sup> That was  
~~however was removed~~  
~~however sought to be reviewed~~ by giving them appointment

in the same scale as a special case. In the light of  
above decision we hold that the applicants cannot claim  
the appointment with retrospective effect from the date  
of their empanelment.

16. The averment that the applicants have been  
shouldering higher responsibilities from 1988 onwards  
is misconceived. In advancing this argument, it is  
alleged that the scale of pay of Rs.425-640 places the  
Catering Managers who were appointed in that grade on a  
higher pedestal than the applicants who were also appointed  
to the same post on a scale of Rs.330-560. The argument  
could be better appreciated if it were to be said that  
while they are discharging the same duties and respon-  
sibilities as those of the Catering Managers who were  
earning the scale of Rs.425-640 there was no justification  
between Rs.330-560 and Rs.425-640. However, even such an  
argument would not stand scrutiny. First reason is that  
the entitlement of the applicants to be considered for  
appointment as Catering Managers was necessary in the  
grade of Rs.330-560. They were never selected after re-  
structuring of the posts for the posts carrying the grade  
Board with a view to remove the injustice suffered by  
them viz. that even after being selected they could not

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✓ be offered the appointment due to change in the policy ~~that they~~  
were given the original scale of Rs. 330-560.

The appointment of the applicants therefore was regulated

strictly by the terms on which that indulgence was shown

✓ to <sup>them</sup> ~~that~~. They were thus expected to discharge the duties

of the post of Catering Manager on the scale of Rs. 330-560

even though those who were specifically recruited after

the restructuring of the posts in the scale of Rs. 425-640

may be discharging similar duties. That does not therefore

✓ involve any element of <sup>them</sup> ~~that~~ being required to discharge

higher responsibilities. That apart, as pointed out by the

any office order issued requi-

ring them to discharge higher responsibilities than assigned

to their posts. The applicants have also not demonstrated  
by furnishing any particulars as to what was the element of

higher responsibilities involved in the discharge of their

by giving a comparative statement of the duties

they were expected to perform as Catering Managers and

the duties as were actually extracted from them. The claim

of the applicants, therefore for higher monetary benefit

for the period from 1988 onwards cannot be accepted.

ii ~~we have dealt with the contentions as~~

above on merits in order to give satisfaction to the

applicants that their grievance has been considered by us,

yet in our view, it was not really open to the applicants

to make any grievance for the reason that they had willingly

*[Signature]*

(107)

accepted appointment to the post of Asst. Catering Managers in lower scale and therefore they had given up the benefit of their selection in the scale of Rs.330-560. In that connection the applicants have made misleading statement in Para 4(iii) of the application. They averred as follows:

"Therefore, at the time of seeking our willingness for a lower post the vacancies against which we were empanelled were in existence. For the poor and unemployed candidates like us, there was no other alternative then but to accept the offer under protest. Consequently we were appointed as Assistant Catering Managers....." (underline supplied).

Now, the statement that they had accepted the alternative appointment under protest is not borne out from the records and therefore it has to be stated to be a mis-leading statement. The respondents have stoutly denied the statement that the applicants had accepted that appointment under protest. In reply to the aforesaid para of the O.A. they have stated that the applicants did not register any protest while accepting the offer of appointment to the post of Asst. Catering Manager and that the averment made by the applicants that it was under protest is far from truth. Not only that but the respondents have produced the declarations that were made by the three applicants at the time of accepting the post of Asst. Catering Manager. The declaration was given in identical manner by the three applicants and it reads as follows:

*[Signature]*

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"I accept the offer of appointment to the post of Asst. Catering Manager, scale Rs.260-430 (RAS) on S.C. Railway and will not claim for appointment to the post of Catering Manager scale Rs.330-560 (RAS) at a later date."

This declaration does not even remotely indicate any element of protest. Moreover, the immediate reaction of the applicants could be material. We have already stated that applicant No.1 had submitted a representation on 8-10-91. Instead of stating therein that he had accepted the post as Asst. Catering Manager under protest he made the following statement:

"At the time of appointment, I was informed .... that the Railway Board have decided to discontinue the direct recruitment of Catering Managers in Scale of Rs.330-560 wle.f. 1-1-84 and hence decided to offer an appointment to the post of Asst. Catering Manager in scale Rs.200-430 in case it is acceptable to me, and as it was a matter of bread and life for me, I have accepted the job of an Asst. Catering Manager ....."

The personal constraints for which the applicant was willing to accept the lower post cannot be equated with his accepting the post under protest much less the respondents can be held bound by the same. Such explanation can always be offered at a later date and it cannot be tested nor can it be said that the applicant had been compelled by the respondents to accept the lower post. The other two applicants have not stated that they had

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✓ filed any representation regarding their alleged protest. The representation of the applicants No.1 had been relied upon by all the three applicants as part of this O.A. in which they have joined together. The declaration made by the applicants and their having accepted the post of Asst. Catering Manager without demur operates as estoppel by conduct against them. It is something that has happened in their favour that the Railway Board gave them the benefit of the scale of Rs.330-560 and the applicants cannot be heard to make a grievance about it. Thus, none of the grounds on which the applicants have projected their grievance in this application can be upheld and the result is that the application is liable to be dismissed.

18. Sri Pillai relied upon the observations of the Supreme Court at Page 1837 in the case of Frem Prakash v. UOI and Ors. (supra). The material portion reads as follows:

"Once the person is declared successful according to the merit list of selected candidates, the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change after his name is included in the list of selected candidates." While with respect, the principle enunciated has to be applied where applicable but the instant case clearly is distinguishable on facts and the same has no application. This is not a case where the number of vacancies had

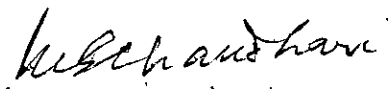
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undergone a change or on that ground the applicants had been denied the appointment. Here what has happened is that the entire recruitment policy was changed, and the recruitment to that particular category was no longer permissible. The matter related to direct recruitment and since according to the policy decision the recruitment was to be regulated in a particular manner, the applicants who did not acquire any vested right to a particular vacancy they cannot be given relief by applying the ratio of the aforesaid decision, which ~~was~~ is not attracted.

19. In the result, the application is dismissed. No order as to costs. Interim directions vacated.

  
(H. Rajendra Prasad)  
Member (A)

  
(M.G. Chaudhari)  
Vice Chairman

Dt. 22-4-1996

  
Dy. Registrar (Judl)

sk/mv

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Copy to:-

1. The Secretary, Railway Board, New Delhi.
2. The General Manager, South Central Railways, Secunderabad.
3. The Chairman, R.R.B, Secunderabad.
4. Chief Personnel Officer, South Central Railways, Secunderabad.
5. Chief Commercial Manager (Catg.) South Central Railways, Secunderabad.
6. Dy.Chief Commercial Manager(Catg.) South Central Railways, Secunderabad.
7. Senior Commercial Manager(Catg.)South Central Railways, Secunderabad.
8. V.V.Satyanarayana, Catering Inspector, Office of Asst.Commercial Manager(VRR), South Central Railways,Vijayawada.
9. P.Krishnaraj,Catg.Inspector (VRR), Office of Asst.Commercial Manager(Catg.) S.C.Railways, Vijayawada.
10. V.Subramanyam, Catering Inspector(Mobile), C/o Chief Carg.Inspector,South Central Railways, Mobile Unit, Secunderabad Station.
11. One copy to Mr.M.C.Pillai,Advocate,CAT.Hyd.
12. One copy to Mr.K.Lakshminarasimha,Advocate. CAT.Hyderabad.
13. One copy to Mr.J.R.Gopala Rao,SC for Railways, CAT.Hyd.
14. One copy to Mr.G.Ramachandra Rao, Advocate,CAT.Hyd.
15. One copy spare.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

Dated: 22-4-1996

~~ORDER/JUDGMENT~~

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

in

O.A.No. 1156/93

~~F.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.

pvm

