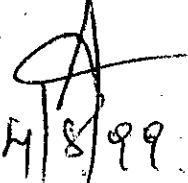


List of Papers in original Application No. 1156/1093

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

PART-II and PART - III Destroyed.


 4/8/99

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

RECORD SECTION INDEX SHEET

1156

199 3

(S) J R Ravinder & 202

versus

(b) Respondent (S) Secretary, Rly Board, New Delhi & 34 05

Sl.No.	Description of Documents.	Page. No.
	<u>Part. I</u>	
	Order Sheet	1-8.
	Original Application	14.9.93
	Ma-terial Papers	24-41
	Order dated	16.9.93
	Counter Affidavit.	24.1.94.
	Reply Affidavit	28.12.94.
	Order dated	22.4.96
	<u>Part. II</u>	
	Duplicate Order Sheet.	
	" Application	
	" Material Papers	
	" Order dt.	
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	<u>Part-III</u>	
	Vakalat	14.9.93
	Notice Papers	8.10.93
	Memo of Appearance	17.9.93 4.11.93

8/7/96

(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.

HHRP
M(A)HMGCI.
VC

10.4.96

To be listed for final hearing
on 15.4.96 at 2.15 pm alongwith
OA. 1595/94.HHRP
M(A)HMGCI
VC

By order

DR (I)

15-4-96

Part-heard. AdJourned to

Tomorrow

HHRP
M(A)HMGCI
VC

22-4-96

OA dismissed vide orders
on separate sheets with no costs

HHRP

HMGCI
VC

M(I)

+ OA 1595/94

OA dismissed vide orders
on separate sheets. No costsHHRP
M(A)HMGCI
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/~~
MHRB
MSA

W.M.
HMG, J
VC

(9)

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

Date	Office Note	Orders
27.1.94	EB and FB amended. T.M. 31/1/94. S.O.(T)	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.
7.2.94	Counter filed by Mr. JR Gorala Rao, Scty Regs on 24/1/94. 4/2/94	Heard. In the circumstances referred to the MA is allowed as prayed for.
9.2.94	<u>Service</u> Counter aff dav filed by Mr. R.R. J. Rao, Scty Regs for Rao I to 7. Mr. G. Ranachandra Rao, Adv. for Regs. 8, 10, 11, 12, 14, 15, 17 to 25, 27 to 30, 33 & 34 bivalvalas. Rao. 9, 13, 16, 26, 31 & 32 served. Counsel for the Regs. Mr. G. Ranachandra Rao requested 4 weeks time for filing counter. Date 9-3-94. A.M. 28/1/94	HAR MA) HUNR VC

~~Philip
Americk
MBU
28/1/94~~
Dy. Registrar

(3)

OA-1156/93 -

Date	Office Note	Orders
4.3.94	<p><u>Before the D.R.C.J)</u> <u>for counsel</u></p> <p>Counsel didn't find by Mr. J. R. Golal Adv. to R.M. 167.</p> <p>Even after giving sufficient time requested by Mr. C. Ranadevrao Counsel for R.N. 8, 10 11, 12, 14, 15, 17 to 28 27 to 30, 33 & 34 Counsel is not listed. Hence Post the before court for further orders.</p> <p style="text-align: right;">D.Y. Registrar cc</p>	<p><u>16.1.95</u></p> <p>list it for final hearing on 25.1.95 immediately before admissions.</p> <p style="text-align: right;">✓ H.R.R. M (A)</p>
4/1/95	<p>Reorder the by Mr. M. C. Pillai, Adv. on 28/12/94 30.</p>	<p>Reorder 15-295 along with OA 1595/94</p> <p style="text-align: right;">D.Y. Registrar cc (A)</p>
<u>25-1-95</u>		<p style="text-align: right;">B.O ✓ D.R.C.J.</p>

1. OA-939/90

VSR. Murthy
Defense

M
M

PART

THE HON. BIE MR. A. B. GORT
JAIL

THE HON. BIE MR. JUSTICE.

TO BE HEARD ON MONDAY THE
17

IN THE CENTRAL ADMINISTRATIVE

29/11/63

30000

ms

12th April 1963

90000

after advertisement

Ex 2868 on 30-12-93

Demol. assisted by

13/12/63

(C6) 9.5 11.16 (19)

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

Phone :

Tech
Pl. carry out with
OA as log of Ad

Flat No. 304,
Kakatiya Apartment,
Street No. 2, Habib
HYDERABAD - 500 002

Ref. :
To

31/9/93

Date : 3.11.1993.

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

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..... Rs. 330-50/- from December, 1990.

*Read
T. Selvap
Bn & Ry
3/11/93*

To be corrected as

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 1/1/90

Yours faithfully,

M.C. Pillai
(M.C. PILLAI)
Council for the Applicant.

Copy to: SC for Rlys for information.

4/11/93

by R.R. Datta

3/11/93

(6) (1)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

O.A. NO./F.A. NO. 1156 / 1993

T.R. Narinder & 2oth. Applicant (S)

Secretary, Rly. Board, New Delhi & Shillong Respondent (S)

Date	Office Note	Orders
15-9-93	MA 723/93 seeking permission to add addl. applicants in the OA	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.

✓
H.P.T.T.

H

(6)

(2)

OA 1156/93

Date	Office Note	Orders
24-11-93		<p>Post on 25-11-1993.</p> <p>HRRN M(A)</p> <p>By order H.R.J. 24/11/93</p>
17-11-93		<p>List it on 25-11-1993.</p> <p>HRRN M(A)</p> <p>By order H.R.J. 17/11/93</p> <p>MA 930/93 : OA 1156/93</p> <p>Post on 21/12/93</p>

31/12/93

293

7(A)

ADMIT. Any promise going to be made will lead to the result in this OA. Said fact has to be mentioned. The orders of promotion are going to be issued. Post

4-11-1993 for final hearing.

2929

HPTT
7(A)

HVN.R.J
VC

30.12.93

Urgent
m/s

Urgent

B70

~~631483~~
DR(J)

9
60

MA-930/93 in OA

List it on 17.1.94

HRR
m(A)

HVR
VC

By order

~~6312/83~~
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} far it is left open ^{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 ⁱⁿ 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.

W.K.

(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 of 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 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.

M. G. Chaudhary
Member (Adm.)

M. G. Chaudhary
(M.G. Chaudhary)
Vice Chairman

Dt. March 13, 96
Dictated in Open Court

sk

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH - HYDERABAD**

ORIGINAL APPLICATION NO.

1156 OF 1993

Shri T. R. Raninder & 26n. Applicant (s)

Versus

Secretary, M.Y. Board, v. Delhi

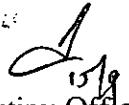
& 33 6n.

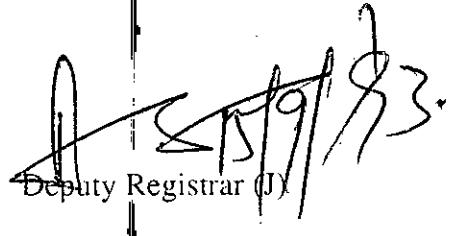
Respondent (s)

This Application has been submitted to the Tribunal

Mr. 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 PP3


Scrutiny Officer.


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? 5

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 2

No / Page Nos

d) Distinctly Typed?

13. Have full size envelopes bearing return 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 sup-
ported by an affidavit affirming that they are
true? 1

17. Are the facts for the case mentioned under item
No. 6 of the application.

a) Concise? 4

b) Under distinct heads?

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. Rajender & 2 Ors.

RESPONDENT (S)

Secretary, M.P. Board, no 24 & 37 Ors

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? b) Is the application in paper book form? c) Have prescribed number of complete sets of the application been filed?	Y
3. Is the application in time ? 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. for Rs 50/-	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? (b) Have the documents referred to in (a) above duly attested and numbered accordingly? (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. Farinder

VERSUS

Secretary, fly. Board, N. Delhi & 3wrt

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	

to treat the Applicants as appointed in the scale of Rs.330-560/ from
their initial date of appointment.

(3)

Subm.

1/2

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT

Hyderabad

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	15	
2.	06-03-85	Letter from S.C.Rly. Hqrs. to exercise option for a lower Grade	16	
3.	11-12-85	Appointment letter from S.C.Rly. as Asst. Catering Manager in Scale Rs.260-430 (RS)	17	
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).	18	
5.	08-10-91	Representation submitted to get empanelled grade. etc.	19	20
6.	29-05-92	Certification made by competent authority about the applicant's shouldering of higher responsibilities.	21	
7.	08-10-92	GM addressed letter to Rly. Bd. recommending our case.	22	
8.	19-01-93	Confirmation letter of Catering Staff issued by CPO/SC	23	26
9.	22-03-93	Impugned order from Rly. Board regretting our case.	27	
10.	14-09-93	OA Filed before the Hon'ble CAT / Hyderabad.	1	14

Hyderabad,

Date: 14-09-1993.

S. Chander
COUNSEL FOR THE APPLICANTS

Recd
S. Chander
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

S1. No.	Description of the documents relied 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> <u> </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> <u> </u>
4.	CPO/SC's letter No.P/C/563/ACMS dated 11-12-85 appointing in lower grade.	<u>17</u> <u> </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> <u> </u>
6.	Representation dated 8-10-91 from the applicants.	<u>19</u> <u>20</u>

(1) T. R. RAVINDER. G. M.
(2) T. Murari Krishnam
(3) Hanay

RTD

20

2

Sl. No.	Description of the documents relief upon	Pages	
		From	To
7.	Certification made by competent authority about our shouldering higher responsibilities in grade Rs, 425-640 (RS).	21	
8.	GM/SC's letter No.C.90/F/1/GMs dated 8-10-92 to Railway Board recommending our case,	22	
9.	Confirmation letter No.P(C)186/Catg Staff Cl.III dated 19-1-93 of Catering Staff.	23	26
10.	Impugned order contained in Railway Board's letter No.E(NG)II/88/RR-1/8 dated 22-3-93.	27	

1.

2. Gurjari kezhle

3. ~~Hansay~~

Signature of the Applicant.

FOR USE IN THE TRIBUNAL OFFICE

Date of Filing

Registration No. :

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.Rly/SC
S/o T.H. Raju,
185, Plassi Line,
Bowenpalli,
Secunderabad.
2. T. Murali Krishna, Catering Manager, S.C.Rly/Vijayawada.
S/o T. Adinarayana,
18-8/1-8, 4th Line,
Kedareswarapet,
Vijayawada.
3. Mir Hasanulla, Catering Manager, S.C.Rly/SC
S/o Mir Hassanullah, O/o Mr. H. No. 29-212,
Narimathulipak (A manged as per Comt
Order dt: 27-1-94 in
Dy. No. 930/93.)
H. No. 29-212,
New Vidyanagar Colony,
Neredmet, Ramakrishnapuram,
Hyderabad - 500 556.

Applicants

And

(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.

Respondents

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.

(B) V.V. Satyanarayana,
Catering Inspector,

8. 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

*T. Murali Krishna
Hanay*

13

4

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. Commr. Manager,
M.G. Office, S.C. Railway,
Secunderabad.

12. K. Madhusudhana Rao,
Catering Inspector,
O/O Asst. Commr. Manager (Catg.)
South Central Railway,
Vijayawada.

13. M. Babu Rao,
Catering Manager, (Retd)
O/O: Asst. Commr. Manager (Catg.)
S.C. Railway, Guntakal.

14. D.L.V.S. Varma,
Catering Manager,
O/O Asst. Commr. Manager (Catg.),
S.C. Railway, Vijayawada.

15. E.D. Koteswara Rao,
Catering Manager,
O/O Asst. Commr. Manager (Catg.)
S.C. Railway, Vijayawada.

16. T. Panduranga Vittal,
Catering Manager,
O/O Asst. Commr. Manager (Catg.)
S.C. Railway, Guntakal.

17. K.T. Vishnudas Babu,
Catering Manager,
O/O Asst. Commr. Manager (Catg.)
S.C. Railway, Vijayawada.

18. R.M. Bihare (SC),
Catering Manager,
O/O Asst. Commr. Manager,
S.C. Railway, Rail Nilayam,
Secunderabad.

19. S. Mane,
Catering Manager,
O/O Asst. Commr. Manager,
S.C. Railway, Rail Nilayam,
Secunderabad.

20. N. Prasuramulu,
Catering Manager,
O/O: Sr.Catering Inspector(VRR)
S.C. Railway, Kazipet,

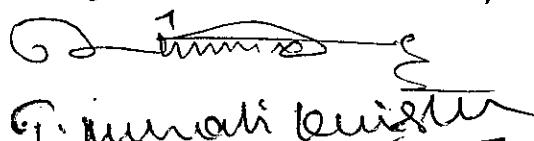
21. A. Obul Reddy,
Catering Manager
O/O Asst. Commr. Manager (Catg.)
S.C. Railway, Vijayawada.

Respondents
(Contd..)

G. Murari Krishnam
Hansay

14 (5)
Respondents
(Contd..)

22. V. Sreerama Murthy,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.),
S.C. Railway, Vijayawada.
23. V.N.Y. Somayajulu,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.),
S.C. Railway, Vijayawada.
24. K. Ram Babu,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.)
S.C. Railway, Vijayawada.
25. P. John Marie,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.)
S.C. Railway, Vijayawada.
26. K.S. Narayana,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.),
S.C. Railway, Vijayawada.
27. K. Sadashiva Chetty,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.),
S.C. Railway, Vijayawada.
28. M. Hemachandra Kumar,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.)
S.C. Railway, Rail Nilayam,
Secunderabad.
29. V. Rajender,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.)
S.C. Railway, Rail Nilayam,
Secunderabad.
30. P.V. Ravindranath,
Catering Manager,
O/O. Asst. Commr. Manager (Catg.)
S.C. Railway, Rail Nilayam,
Secunderabad.
31. R. Balasubrahmanyam,
Catering Manager,
O/O. Asst. Commr. 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. Murari Bhatt


Hanay

34. V. Venkateswarlu,
Catering Manager,
O/O. Asst. Comm. 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 OR 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.

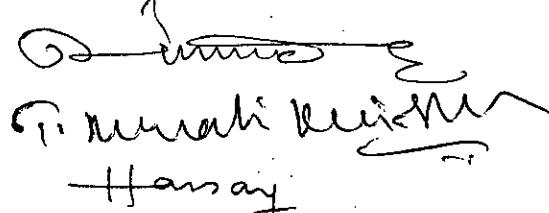
The applicants declare that the subject matter of the orders against which they seek redressal is within the jurisdiction of the Hon'ble Tribunal Under Section 14 of CAT's Act 1985.

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


T. Venkateswarlu
Hansay

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.

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.

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:

" 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 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.

T. Muralikrishna
Hasan

Annexure
No. 15

Annexure
No. 15

Annexure
No. 16

(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 than 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 "

S. Muralikrishna
T. Muralikrishna
Hassanay

(18)

(9)

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 Court order</i> d: 27.1.94 u/ 49-930/93/4 Tak 31/1/94
2. T.R. Ravinder	.. October, 1988	
3. Mir Hasanullah	.. December, 1990	January 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.

G. Muralikrishna
Hansay

Annexure
No. 21Annexure
No. 22Annexure
No. 27

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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/C1.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 Reddy
Hanay

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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 presented 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.

G. Munshi

T. Murati Krishan

Hansay

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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 SCUGHT

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 29-9-92.

(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, SCUGHT 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. Venkatesh
Hanay

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 ^{that} although they were given the benefit of the scale of Rs.330-560 as a special case. ^{The} ~~the~~ ^{had} applicants ^{were} already accepted the appointment in the post of Asst. Catering Manager in the scale of Rs.260-^{and} 430 [^] 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~~ ^{they} that ^{had} been selected was considered by the Ministry and as a special case they were given the scale in which they were ^{selected} ~~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. ^{The} The applicants cannot get the benefit thereof from the date of empanelment. They also contended that ~~factually~~ there were no vacancies available ~~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 ~~of an~~ ^{o/r} 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 ~~estop~~ ^{estopped} from raising the pleas ^{have} for which they [^] raised in the instant application.

10. The question therefore lies in a very narrow ^{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 ^{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 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) Name of Post Office :		Chamanjala University P.O	Dated 13-9-93
ii) Postal order No. and date		9-01-667494 for Rs 100/- 8-05-868656 for Rs 50/- 7-20-342351 for Rs 20/- 7-20-342350 for Rs 20/- 4-48-354846 for Rs 5/-	
iii) Post Office at which Payable		Telal 23195 GPO / Hyderabad	

13-9-93
S.P.O./S.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
Hanay

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(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) G. Suresh

(2) T. Murali Krishna

(3) H. Hanay

(Signature of Applicant)

Hyderabad,

Date: 14 -09-1993.

Sree Pillai
(COUNTER SIGNED BY COUNSEL
FOR APPLICANTS)

To

The Registrar,
The Central Administrative Tribunal,
Hyderabad.

पर एस सी/एस सी '12 RSC/SC/32

रेल सेवा आयोग, सिक्कन्दराबाद
RAILWAY SERVICE COMMISSION
SECUNDERABAD

दिनांक Dated 6-7-1954

देवा म. T.

महिला/बीमती Smt/कुमारी Kumari

रेल नम्बर Roll No. F.E.O.C.R.I.

III श्रेणी के कर्मचारियों की भर्ती
RECRUITMENT OF CLASS III STAFF

नियोजन सूचना सं. Employment Notice No. 3/83

कोटि सं. Category No. 8.8. N पद Post Catering Manager
Scale Rs 330 - 480

दूसरों वर्ष पद के लिए आपके आवेदन पद के संदर्भ में आपको यह सूचित किया जाता है कि आपके नाम की सिकारित मुख्य कार्यक्रम अधिकारी, दक्षिण रेलवे, सिक्कन्दराबाद को की याची है, जो आपको अप्राप्त योग्य पारे जाने पर घोषित समय पर नियुक्त करेगी।

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 हिला पायेगा।
No further correspondence will be entertained.

राज. 00295-10,000-1-30. S. C. Rly.

हस्ताक्षर for CHAIRMAN

R. Murari Lalitha

Hansay

Seal

SOUTH CENTRAL RAILWAY

RAIL NILAYAM
Personnel Branch,
Secunderabad.

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

Dated 6-3-54.

Mr. T. C. Ravinder

185, Praxis Lines,

Bowenpally
Secunderabad-500011.

Sub: Recruitment of SC candidate-s.

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale Rs.330-550(RB). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale Rs.330-550(RB) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale Rs.330-550(RB). 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 (RB), 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 (RB), as and when vacancies arise, in case of your acceptance. If no reply is received by 15-3-54 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 (RB).

Ans: As above.

Supply
(R. K. Alangarage)
Asst. Personnel Officer

P. Murali Krishna

Hansay

Snellie

BY REGD. POST

South Central Railway

General Manager's office,
Personnel Branch,
Secunderabad.

No.P(0)563/ACM-S

Dated: 16.6.1984.

12.85

S. M. M. Muralikrishna

Part No. 24, 10 Lathanagar

Hyderabad - 500044

Sub:- Temporary appointment as Asst. Extra Manager
Scale Rs. 260 - 430/-

Re:- Your application dated 27.3.85

Having been selected by the Railway Service Commission for appointment as Asst. Extra Manager, scale Rs. 260 - 430/-, it is proposed to appoint you as a temporary Asst. Extra Manager on pay Rs. 260 - 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 an affirmation in the form indicated below:-

"I, T. 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."

T. Muralikrishna

Hanay

5702

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

S.E.(RG)II/88/RR-1/2

रेल भवन, नई दिल्ली-110001, तिथि
Rail Bhavan, New Delhi-110001, dated 26-4- 1988

19/4
The General Manager,
South Central Railway
Secunderabad.

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

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,
Kumar Ekanath, T.R. Ravinder, Mir Hasenullah [REDACTED]
Catering Managers, in grade R.330-560(ES)/R.1200-2040(EP),
against direct recruitment quota in the grade R.425-640(ES)/
R.1400-2500(EP) w.e.f. the date of such orders being
passed.

Sharma
(P.T.N. SHARMA)
DEPUTY DIRECTOR ESTABLISHMENT (N)
RAILWAY BOARD.

CPO

urgent

B/S 10

B/S

Sharma

R. Murali Krishna
Hansay

Sharma

SPO/T

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.

R. Narathivarthan
Hansay

Contd. 3.

To

The General Manager
South Central Railway
SECUNDERABAD.

Annexure

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(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).

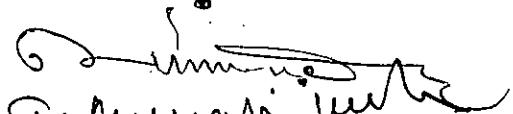
I most humbly beg to bring to your kind notice the following facts for consideration and favourable action.

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) 
T. Murali Krishna
Hasan


Hasen
Contd..2.

Annexure

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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.

Copy to the Chief Personnel Officer/S.C.Rly/SC
for kind information and necessary action.

Minu
P. Minu

Subbarao

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21

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 notes 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 i.e. 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

C.C.S(G)

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

Dy.CCS(Catg.)

29.05.92

Agree

CFS/G

Dilesh Board's order recommended

S. R. P. A.

29/5

Om Prakash
Hony. Secy.

23

Promise

22

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

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

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

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

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

Attention of Board is invited to this Railway's
letter cited (4) above, wherein it was requested to
consider the 4 candidates viz., 1) Shri MuraliKrishna,
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.H.Farooqi),
/General Manager(C).

Encls: as above.

G. M. K. B.
P. Murali Krishna
Hansraj

Abdullah

S.No.	Name S/Shri.	Design. & Grade Rs. (RSRP)	Divn Hqrs.
21.	K.V. Rama Rao	SCRI/Gr. 1600-2660	GTL
22.	U.V. Seshasiri 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.Amaralingam (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.Bheemseena	-do-	UBL
33.	R.Lakshminarayana	-do-	GTL
34.	R.Ramesh Babu	-do-	BZA
35.	Nazeerkhan	-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	Catg. Insp/GTL Gr. 1400-2300	GTL
41.	K.C.Sandothian	-do-	BZA
42.	T.Balarami Reddy	-do-	SC Catg Unit SC
43.	P.Mohan Moolya	-do-	UBL
44.	R.Pratapa 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.Karavari Rao (SC)	-do-	GTL
50.	T.Prabhakar Rao	-do-	Hqrs.
51.	SK.Atarullah	-do-	SC
52.	C.Rushikesh	-do-	Kohinoor Rest/SC Contd..3

Govindaraju
Pranali Bhatt
Hansay

Annexure

(21)

(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 USL & GTL

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

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

S.No.	Name S/Shri.	Design. & Grade Rs. (RSRP)	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.Jacannatham	-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 Estibeiro	-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.Rema Rao	-do-	Hqrs.
17.	G.Prabhakar (SC)	-do-	GTL
18.	M.Ravindran	-do-	GTL
19.	K.Ranganathan (ST)	-do-	BZA
20.	L.Natarajan (ST)	-do-	

...Contd. 2.

G. Munshi
G. Munshi
Hansy

Arvika

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.Sommath Kurup	Assistant Catering Manager/ Gr. Rs.975-1540 [RSRP]	SC. SC
97.	Nandakishore	-do-	COG/SC.
98.	S.Rajeev (SC)	-do-	SC
99.	V.Koteswara Rao	-do-	SC
100.	Mohd. Yakkob	-do-	SC
101.	S.P. Seswara 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.Mohini Rao	-do-	-do-
106.	V.Padayya	-do-	SC
107.	B.Srinivas Rao	-do-	SC
108.	N.Dhanabhujanna Rao	-do-	BZA
109.	K.Amma Rao	-do-	BZA
110.	Ravinder Reddy	-do-	BZA
111.	P.Gurva Reddy	-do-	GTL
112.	D.Sudhakar	-do-	GTL.
113.	K.N.Ravindera Prasad	-do-	

Contd..5.

Q. S. Muralikrishna
T. Muralikrishna
Honyary

S.No.	Name S/Shri.	Design & Grade Rs. (RSRP)	Divn. Hqrs.
53.	M.Potharaju	1400-2300 Catg.Insp.	BZA
54.	M.B.Subhakara Rao	-do-	BZA
55.	O.K.Karunakaran	-do-	GTL
56.	T.Mallikarjuna Rao	-do-	SC,Catg Unit SC
57.	T.N.V.S.Ranganayakulu	-do-	GTL
58.	T.Krishnaraya Sarma	-do-	GTL
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 Car/SC
63.	R.Viswas	-do-	BZA
64.	K.Madhusadana Rao	-do-	GTL
65.	M.Babu Rao	Catg.Manager 1200 - 2040	1200 - 2040
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 SC
71.	S.Mane.	-do-	SC
72.	N.Parasuramulu	-do-	SC
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.	P.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.Revindranath	-do-	GTL
83.	R.Balasubramanyam	-do-	SC
84.	B.Chander Rao	-do-	SC
85.	S.Prakash Rao	-do-	SC
86.	V.Venkateswarlu	-do-	SC Catg Unit/SC

Contd....4.

M. S. B. I. D. A. T.

(39)

11 6 11

Sl. No.	Name	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. Mallaiah Laxmish	-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. Naqaraj	-do-	VIP Cell/ Hqrs.
165.	Ramulu Malliah	-do-	SC
166.	R. M. R. Rengaraj	-do-	A.P. Express/SC
167.	M. R. Babanna	-do-	SC
168.	Prem Singh	-do-	VIP Cell/Hqrs.
169.	D. Nareshalingam	-do-	SC
170.	V. Ambashankar	-do-	BZA
171.	T. Bharathi Nahan	-do-	GTL
172.	D. Thiruvalluram	-do-	BZA
173.	Ch. Amrose	-do-	SC
174.	B. J. Sujatha Babu	-do-	BZA
175.	Mallesh. H.	-do-	UBL

Contd...7..

G. Murli
G. Murli Babu
Hansraj

Design. &
Grade Rs. (RSRP)

Divn.

Sl. No.	Name S/Shri	Assistant Catering Manager/Gr. Rs. 975-1540	BZA
114.	M.Suresh Babu	-do-	BZA
115.	Y.Harikoteswara Rao	-do-	BZA
116.	V.Vijayakumar	-do-	BZA
117.	K.Sambasiva Rao	-do-	GTL
118.	S.K.Ram Pasha	-do-	BZA
119.	B.Subramanyeswara Babu	-do-	BZA
120.	S.Daniel theodore	-do-	GTL
121.	P.Srinivasan	-do-	GTL
122.	Joseph Dawson	-do-	BZA
123.	B.Prabhakara Rao	-do-	BZA
124.	T.V.Vasu	-do-	BZA
125.	A.R.Gopal Rao	-do-	GTL
126.	V.Sushil Gupta	-do-	UBL
127.	D.Vijaykrishna Reddy	-do-	UBL
128.	R.Danish	-do-	GTL
129.	N.M.Nagarajan	-do-	BZA
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.	Manikantan Nair	-do-	Koh.Rest/SC
138.	R.Raman	-do-	UBL
139.	N.Sankaran	-do-	A.P.Express Pantry Car/SC.
140.	Syed Ismail	-do-	SC
141.	T.Lakshmi Pathy	-do-	GTL
142.	K.R.Ranganathan	-do-	GTL
143.	K.Kesavam	-do-	GTL
144.	A.Krishnan	-do-	BZA
145.	N.Krishnan	-do-	BZA
146.	P.Ramachandran	-do-	UBL

Q. S. M. M.
R. M. M. M.
H. M. M. M.

Subbhai

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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-	UPI
187.	K.Sivakumar	-do-	GTL
188.	X P.Narayan Reddy	-do-	SC
1891	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.


V.S. Joshi
Hansraj



मा. १८३
रेल भवन दिल्ली
Railway Board भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
दिनांक : ३५/३ (लेवे बोर्ड RAILWAY BOARD)
रेल भवन दिल्ली का इकाई
Office of General Manager

54000

रेल भवन, नई दिल्ली-११०००१, दिल्ली

Rail Bhavan, New Delhi-110001, dated

३-१९९३

NO. E(NG)II/88/RR-178

The General Manager (P)
South Central Railway
Secunderabad

cl.

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.

47

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.

R. N. N. N. N.
H. M. M. M. M.
H. M. M. M. M.

S. N. N. N. N.
S. N. N. N. N.

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,
Habshiguda,
Hyderabad - 500 007.

COUNSEL FOR THE APPLICANTS

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Date : 14-9-93.

To

Mn. M. E. 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. Matriel papers should be attested by the counsel.

2.

Since compliances and
rectifications Please

3.

S. S. Pillai

4.

15/9/93.

5.

(Advocate for the Petitioners)

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

J. A. R.
Deputy Registrar (Judl)

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.H.Y.Somayajulu, Caterin Manager,
O/c 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, Secunderab.
29. V.Rajender, Catering Manager,
O/o Asst.Comml.Manager (Catg.) S.C.Rly, Railnilayam, Secunderab.
30. P.V.Ravindranath, Catering Manager,
O/o Asst.Comml.Manager(Catg.) S.C.Rly, Railnilayam, Secunderab.
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 Mahager,
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, Secunderab.

XXXXXXXXXXXXXX

.. Respondents.

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

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

CORAM:

XXXXXXXXXXXXXX
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)

8. V.V.Satyanarayana, : Catering Inspectors, O/o Asst.Commercial
P.Krishnaraj. : Manager (VRR) S.C.Rly. Vijayawada.

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.

Madhusudhana Rao, Catering Inspector,
O/o Asst.Comml.Manager (Catg.) S.C.Rly. Vijayawada.

Babu Rao, Catering Manager (Retd.)
Asst.Commercial Manager(Catg.) S.C.Rly, Guntakal.

V.S.Varma, Catering Manager,
Asst.Comml.Manager(Catg.) S.C.Rly. Vijayawada.

oteswara Rao, Catering Manager,
1st.Comml.Manager (Catg.) S.C.Rly Vijayawada.

uranga Vittal, Catering Manager,
1st.Comml.Manager (Catg.) S.C.Rly, Guntakal.

Shudas Babu, Catering Manager,
1st.Comml.Manager(Catg.) S.C.Rly, Vijayawada.

e(SC), Catering Manager,
Comml. Manager, S.C.Rly, Railnilayam, Secunderabad.

tering Manager,
ommil.Manager, S.C.Rly, Railnilayam, Secunderabad.

14

20. N.Parasuramulu, Catering Manager,
0/o Sr.Catering Manager, 0/o Sr.Catering Inspector(VRR)
S.C.Railway, Kazipet.
21. A.Obul Reddy, Catering Manager,
0/o Asst.Comml.Manager(Catg.) S.C.Rly, Vijayawada.
22. V.Sreerama Murthy, Catering Manager,
0/o Asst.Comml.Manager (Catg.) S.C.Rly, Vijayawada.
23. V.N.Y.Somayajulu, Caterin Manager,
0/c Asst.Comml Manager (Catg.) S.C.Rly, Vijayawada.
24. K.Ram Babu, Catering Manager,
0/o Asst.Comml.Manager(Catg.) S.C.Rly Vijayawada.
25. P.John Marie, Catering Manager,
0/o Asst.Comml. Manager (Catg.) S.C.Rly, Vijayawada.
26. K.S.Narayana, Catering Manager,
0/o Asst.Comml.Manager(Catg.) S.C.Rly, Vijayawada.
27. K.Sadasiva Shetty, Catering Manager,
0/o Asst.Comml.Manager(Catg.) S.C.Rly, Vijayawada.
28. M.Hemantha Kumar, Catering Manager,
0/o Asst.Comml.Manager (Catg.) S.C.Rly, Railnilayam, Secunderabad.
29. V.Rajender, Catering Manager,
0/o Asst.Comml.Manager (Catg.) S.C.Rly, Railnilayam, Secunderabad.
30. P.V.Ravindranath, Catering Manager,
0/o Asst.Comml.Manager(Catg.) S.C.Rly, Railnihayam, Secunderabad
31. R.Balasubrahmanyam, Catering Manager,
0/o Asst.Comml.Manager(Catg.) S.C.Rly, Guntakal.
32. B.Chander Rao, Catering Manager,
0/o Sr.Catering Inspector (VRR) S.C.Rly, Kazipet, Warangal.Dist
33. S.Prakasa Rao, Catering Manager,
0/o Sr.Catering Inspector (VRR) S.C.Rly, Kazipet, Warangal Dist.
34. V.Venkateswarlu, Catering Manager,
0/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

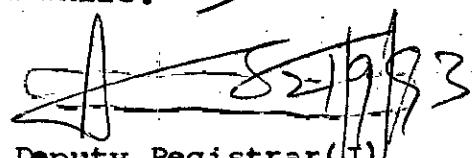
THE HON'BLE MR.P.T.TIRUVENGADAM : MEMBER(ADMN)

20/09/

45

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)

To

(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/o Asst.Commercial
9. P.Krishnaraj. : Manager (VRR) S.C.Rly. Vijayawada.

10. V.Subramanyam, Catering Inspector (Mobile)
C/o Chief Catg.Inspector, S.C.Rly, Mobile Unit, Secunderabad Stn.,
11. R.Viswas, Asst.Catg.Inspector,
O/o Divl.Comml.Manager, M.G.Office, S.C.Rly, Secunderabad.
12. K.Madhusudhana Rao, Catering Inspector,
O/o Asst.Comml.Manager (Catg.) S.C.Rly. Vijayawada.
13. M.Babu Rao, Catering Manager (Retd.)
O/o Asst.Commercial Manager(Catg.) S.C.Rly, Guntakal.
14. D.L.V.S.Varma, Catering Manager,
O/o Asst.Comml.Manager(Catg.) S.C.Rly. Vijayawada.
15. E.D.Koteswara Rao, Catering Manager,
O/o 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/o 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.Parsuramulu, Catering Manager,
O/o Sr.Catering Manager, O/o Sr.Catering Manager (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, 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.
36. One copy to Mr.J.R.Gopal Rao, SC for Rlys. CAT.Hyd.
37. One spare copy.

pvm

11/9/83

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

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

AND

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

Dated: 16 - 9 - 1993.

ORDER/JUDGMENT:

M.A./R.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.

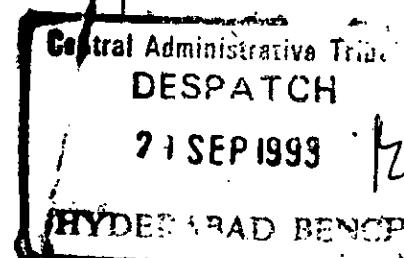
Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm



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:-

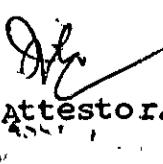
2. I am working as Senior Personnel Officer in the South Central Railway Headquarters office, Rail Nilayam, Secunderabad and dealing with the subject matter of the case, as such I am well acquainted with the facts of the case. I am filing this Counter Affidavit on behalf of the Respondents No.1 to 7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

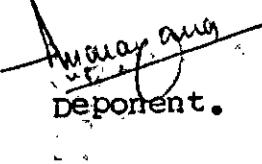
3. I submit that the material allegations made in the O.A. are not true and correct and do not disclose any valid or tenable grounds to grant the reliefs prayed for in the O.A. and the material allegations made therein which are not specifically admitted in this counter affidavit shall be deemed to have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

1st page.
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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

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Attestor.

Subhayana

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

3rd page.
No. of Commis.

Attestor.

ASST. L.M. GREN
SOUTH C.

Deponent.

S. T. 2000
4. T. 1000

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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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Attestor.
ASST. L4,
SOUTH C

Malayal
Deponent.

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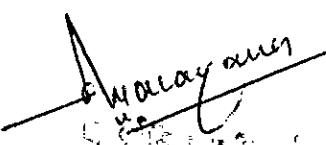
effect from 1-1-1986) by the Railway Recruitment Board, Secunderabad. The Railway Recruitment Board headed by 3rd respondent herein made available the panel of candidates including the applicants herein to the Chief Personnel Officer and 4th respondent herein, who placed indent for recruitment, for the 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)(ii): 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 dated 17-7-1984 (ANNEXURE-R-2) to discontinue forthwith

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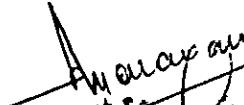
direct recruitment to the post of Catering Manager. Respondents No. 2 and 4 were therefore confronted with a situation in which it could not be possible within their powers to offer appointments to the applicants as Catering Managers and hence decided to offer them appointments in the lower category 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. P (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

6th page.
No. of CORMs.

Attestor.


Attestor.


Deponent.

Sr. No. 1
S.C.R. 1000

(BL)

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 same 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.

ASSISTANT
SOUTH CENTRAL
S.C. RAILWAY

Dependent.

S. C. RAILWAY
S.C. RAILWAY

(53)

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.715-1540 (RSRP)~~.

8th page.
No. of corms.

Attestor.
ASST. LAW OFFICER
YOUTH COUNCIL

Malay and
Deponent.

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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.

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Attestor.
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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
10th page.
No. of Comms.

Attestor.
ASST. LAW DEPT.
SOUTH CSMTN

Deponent:
R. S. J. (Signature)
Sr. Secy.
S.C.R. (Signature)

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 CORMs.

Attestor.

Malayali
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-18) 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 canons 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 Coms.

Attestor.
ASSISTANT LAW OFFICER

Deponent.

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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 CORMS.

Attestor.
S.S. Attestor.
SOUTH CE, LAW, etc.

Appalay and
Deponent.
Sr. Person...
S.C.R. De... etc.

I submit as under:-

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)

14th page.
No.of Comm.

D
Attestor.
15ST. L4W
SUTH CEN

PW
DÉPONENT
S. T. J.
S. C. P.

..15..

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 Coms.

Attestor.
S.S.P. LAW OFFICER
WUTH SECY
S.E.C.

Deponent.

64

..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 Comm.

Away and
DEPONENT
S. H. S.
S. P. S.
S.C.R. S.

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

Before me.

[Signature]
ATTESTED
ASSISTANT LAW OFFICER
SOUTH CENTRAL R. & M.A.
SECUNDERABAD

65

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 willing- ness 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, giving prefbng their willingness.	R-VI, R-VIII & 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-IX.	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 for date 22-2-1983.	R-XVII	18
10.	Railway Board's letter dated 22-3-1993 .	R-XVIII	19

DATE :

PLACE : Hyderabad.

M. Jayakar
COUNSEL FOR THE RESPONDENTS

S. R (RC) 56/30/II

Ap 12-7-84

8 per m

Sub:- Recruitant - class III staff - Catering
Dweller in Scale Rs 330-480 (as) on
S.C. Railway.

—***—

Applications on the prescribed form
together with other enclosures in favour of the following
five candidates selected by RSC/SC to the above category
are sent herewith for appointing them on this Railway
(except on 10th division) after they are certified medically
fit for the post and complying other formalities.

Sl. No.	Roll No.	Name of the Candidate	Community
1	584004	S/ Shri.	
2	880002	T. G. Mehta	—
3	880001	Thosal - Eknath	SC
4	584001	T. R. Ravinder	SC
		Om Prakashwaliah	—

(True Candidates Only)

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

As regards to the verification of character and
antecedents of the candidates, broad instructions contained
in their select letter No. R (RSC) 48 GST-1, intd. n. —
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.

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

Encd:- True RSC applications
along with other enclosure.

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.

5.2. The Ministry of Railways have also decided that direct recruitment of Diploma Holders in 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 (through 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.

2 *June 1984 - R2*
(X)
Copy of Board's letter No. PC III-81/JCM/DC/1 dated 17-7-1984 addressed to the General Managers, All Indian Railways, CLW, QLW 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 -8(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 "Non-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.

contd...2

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Anneone - R. Book
By Reg. T. Book

16

RALI KILAVAN
Personnel Branch,
SACRAMENTO, CALIF.

WSP(3)G3/Geoteknik, Würzburg

Stiri T. M. Wozitowska

Plot No. 88, Lawthmanagan

Hydrocarbon 500014

Table 2. Estimated Budget of 2000 Canadian Dollars

You have been selected by the Railway Service Commission, Government of India, for appointment to the post of Assistant Catering Manager, scale 11-200-100 (K), in the Railway Board here detailed. The current recruitment of Catering Manager, in scale 11-200-100 (K) would be discontinued, if 11-200-100 (K) is not possible to offer you an appointment to the post of Catering Manager, scale 11-200-100 (K). However, since you have been selected by the Railway Service Commission for appointment in this Railway, it has been decided to offer you an appointment to the post of Asst. Catering Manager, scale 11-200-100 (K), in this Railway. If you are willing to accept this offer, you may send your acceptance in the postbox. This will be considered for appointment to the post of Asst. Catering Manager, scale 11-200-100 (K), at and then vacancies arising, in case of your acceptance. If no reply is received by 30.3.84 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 11-200-100 (K).

卷之三

(Chairman etc.)
Chairman, Paymaster Officer

6

Dunlopine - R 4

- R4 (age)
By

6

SCOTT CENTRAL RAILWAY

RAIL WILAYATI
Personnel Branch,
Secunderabad.

De.O.C.863/catering Burger-s

Dated { -3-35.

Seri Miz Hassanullah

29/149, New Vidyavangan Colony,

Parvularius shumaysewae

Under Recruitment of IFC candidates.

卷之三

You have been selected by the Railway Service Commission, considered, for appointment to the post of Catering Manager, scale £.330-550 (P). As the Railway Board have decided that the direct recruitment of Catering Manager-s, in scale £.330-550 (P) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale £.330-550 (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 an Asst. Catering Manager, scale £.220-420 (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 of your £.220-420 (P). If reply is received by 30.3.55 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 £.220-420 (P).

Enclos. as above.

Ch (Sir. K. Kherwara)
Asst. Personal Officer

2000

(6)

Annexe - R.S.P.C.W.P.C.

P.W.D.

(C)

CUTT C'NTRAL RAILWAY

RAIL NILAYAM
Personnel Branch,
Secunderabad.

Dated 6-3-85.

No.P(C)553/Catering Manager.

Shri T.R. Ravinder185/2 Plassi Lines,BowenpallySecunderabad - 500011

Re: Recruitment of DC candidate-s.

- - -

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale Rs.330-660(E). As the Railway Board have decided that the direct recruitment of Catering Manager in scale Rs.330-660(E) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale Rs.330-660(E). However, since you have been selected by the Railway Service Commission for appointment in this Railway, it has been decided to offer you an appointment to the post of an Asst. Catering Manager, scale Rs.230-430 (H), in 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.230-430 (H), if 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 Rs.230-430 (H).

Encls as above.

S
 (T.K. Sharangade)
 Asst. Personnel Officer

W.C.G.

72
Anupam - R6

I accept the offer of appointment to the post of Asst. Catering Manager, scale Rs.260-400 (RS) on South Central Railway, and will ^{try} claim for appointment to the post of Catering Manager, scale Rs.330-560 (S) at a later date.

Hassan
(Name MIRHASSANULLAH)
Signature of the Candidate
Date: 16-3-85.

(8)

Anuppur - RJ

(1)

PROFORMA

(73)

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

THANNEERU. MURALI KRISHNA

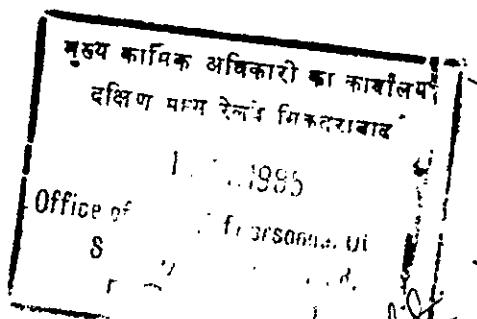
(Name)

Signature of the candidate

Date: 27.3.85

T. Murali Krishna

27/3/85



PCU 563 ICNS

27/3/85

27/3/85

The C.P.R.
S.C. Railway
S.C. Railways
S.C. Railways

Anuppur - R.S.

PROFORMA

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.

Name T.R. RAJENDER 13/3/85
Signature of the candidate
Date:

185. P. D. BESIX LINES

D.O. BHOWMICK

SECOND CLASS

STAFF
(CAT)

R.D.
ACG/SB3/C.W.

Annapurna - R. 9. 10. 1966

D. 21. 11. 1966

10

78

OUTRIGGERS RAILWAY

RAILWAY
Personnel Branch,
Secunderabad.

No. P (C) 883/Catering Manager.

Dated 6-3-66.

Sri T. Mukundan,

Plot No. 88, Lakkhanagan

Hyderabad - 500014

Subject: Recruitment of S.C candidate.

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale R.330-500 (E). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale R.330-500 (E) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale R.330-500 (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 Asst. Catering Manager, scale R.260-430 (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 R.260-430 (E), as and when vacancies arise, in case of your acceptance. If no reply is received by 10.11.1966 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.260-430 (E).

Enccl: As above.

10
C. E. (Chairman)
Asst. Personnel Officer

10/11

11

Anne-Marie

76

10

ACQUI CENTRAL RAILWAY

RAILWAY
petroleum Branch,
Secunderabad.

Oct 20 1968 -3-35-

N.C.P.(C)862/Catering Banquet

Ex: 4.1.2. (a) (i) (ii)

185/7 Plastic Lines.

Present partly
as ex-soldier: 5000

Sub: Recruitment of AIC candidate - 9.

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.260-430 (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.260-430 (R), as and when vacancies arise, in case of your acceptance. If no reply is received by 15th June 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 (R).

Uncle Ag is away.

(12) Annexure - R II. Recd. P.
B.M. 72 74

SCOTT CENTRAL RAILWAY

RAIL NELAYAM
Personnel Branch,
Secunderabad.

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

Dated (-3-36)

Sdr. Muz Hassanullah

29/149, New Vidyavagam Colony,

Ramakrishnapuram.

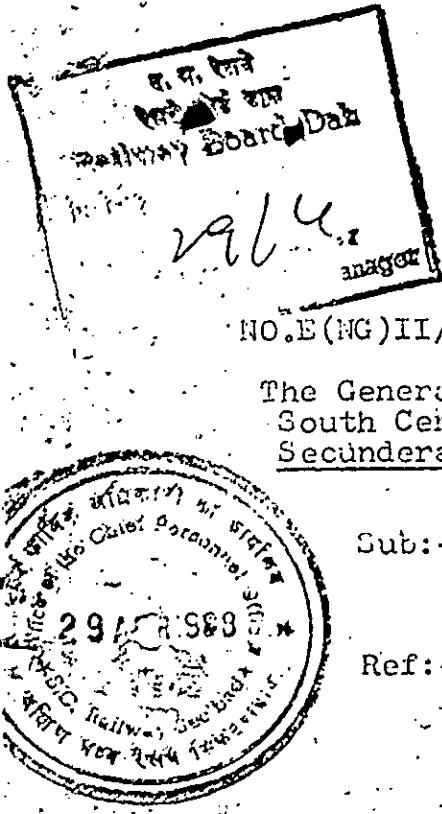
Subj- Recruitment of R.C candidate-s.

You have been selected by the Railway Service Commission, Secunderabad, for appointment to the post of Catering Manager, scale Rs.330-560 (R.F.). As the Railway Board have decided that the direct recruitment of Catering Manager-s in scale Rs.330-560 (R.F.) should be discontinued, it is not possible to offer you an appointment to the post of Catering Manager, scale Rs.330-560 (R.F.). 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.260-430 (R.F.), 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 (R.F.), as and when vacancies arise, in case of your acceptance. If no reply is received by 30-3-36 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 (R.F.).

Encls As above.

(Signature)
S. C. (C. K. Narangata)
Asst. Personnel Officer

1. R. J. V.



The General Manager,
South Central Railway
Secunderabad.

Sub:- Direct Recruitment of candidates through PRR/NC
for the post of Catering Managers in grade
Rs.330-560(ES).

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

4. 117 & 121

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/Chri Muralikrishna,
Kharat Ekanath, T.R.Ravinder, Mir Hasanullah, ~~and~~
— Catering Managers, in grade Rs.330-560(ES)/Rs.1300-2040(EP),
against direct recruitment quota in the grade is. 425-640(ES)/
Rs.1400-2300(RPS) w.e.f. the date of such orders being
passed.

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

urgent

1/1/88

2/1/88

SPO/T

Nuneswar - 13 & 14

General Manager's Office
Personnel Branch, Secunderabad
DATED: 15-7-1988.

South Central Railway
P(C)608/ACRI/II/

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

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

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

8. (i.o.) Name	Designation (RSRP)	PRESENT (3)	Designation (RSRP)	Divn./ Unit. (5)	Designation (RSRP)	Scale (7)	Divn./ Unit. (8)	Remarks (9)
10. I.S.V. Muralidhar Rao (Refresher) (Promotion)	ACRI (ad-hoc)	1400-2300 (1-1-84)		BZA	ACRI	1400-2300	BZA	Promoted on regular basis since enpanelled.
11. v.v.g. Satyamayana (Promotion)	Ex.M	1200-2040 (1-1-84)		BZA	ACRI	1400-2300	BZA	vice Sri D. Jayaraman reverted S.No. 12. 11
12. v.v.g. Satyamayana (Promotion)	Ex.M	1200-2040 (1-1-84)		BZA	ACRI	1400-2300	BZA	vice Sri S. Sankaran. S.No. 13
13. A.P. Krishnaraj (Promotion)	C.M	1200-2040 (1-1-84)		BZA	ACRI	1400-2300	BZA	vice Sri R.N. Bhatt reverted S.No. 13. 12
14. A.P. Krishnaraj (Promotion)	C.M	1200-2040 (1-1-84)		A.P. Express	ACRI	1400-2300	RQ	vice Sri R.N. Bhatt reverted S.No. 13. 12
15. v.Siva Subramanyam (Promotion)	C.M	1200-2040 (1-1-84)		HYB	ACRI	1400-2300	KZJ/ SC.	vice Sri N. Radhakrishna. F.M. at his own request.
16. R. Viswas (Promotion)	C.M	1200-2040 (1-1-84)						
17. R. Viswas (Promotion)	C.M	1200-2040 (1-1-84)						
18.								

contd...2..

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.
<i>RC</i>	1. R.Ramesh Babu	ACRI	1400-2300	BZA	SCRI	1600-2660	SC	Against the post transferred from MG Divn.
<i>RC</i>	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/-

(82) : 2 : (17) (83)
4. The South Central Railway employees Sangh has brought this as an item in the PNM 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 R.D.B 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.

07c (J.R. JYOTI)
for General Manager

(16)

(81)

Annexure - 1

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

12.1.83.

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:-

F57

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

2. Railway Board, in their letter No.FC-III-81/JCB/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.

...4...

No.P/563/T.Cell/Veeanay-position.

INDENTS

(18)

Annepine-R17

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				Ex.S.
				CC	SC	ST	Ex.S.	
1.	ASMs.	Rs 330-560(RS)	100	74	11	5	10	
2.	Catering Manager	Rs -do-	5	3	2	-	-	
3.	Asst.Catg. Manager	Rs 260-430(RS)	20	15	1	2	2	
	total:		125	92	14	7	12	

Note:- SC - 11%

ST - 5%

Ex.S - 10%

Q.W
✓✓✓

S.P.O(T)

SPO(R):

C/- to CC/Comml cadre sec., for information and n/g.

✓✓✓
22.2.83

(19)

84 Annexure - R. No. 18

Copy of Railway Board's letter No. F.(N.G.) II/158/KR-15
dated 22-3-93 addressed to GM(P) & C.R.L. &c.

Sub:- Direct recruitment of candidates
through SKRBS/Scamdoirthal for the post
of Catering Managers in grades Rs.330-560.

Ref:- Your Railways letter No. C.G.O.F. II/GM/2
dated 3.10.92 (F-177)

-X-

Your Railways 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/-

(Sbri: L.N. Saenz)

Deputy Director Establishment
Railway Board. (N)

2 turned - SK 75/94

ate of attestation should
be 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
Rajendra and Ravinder
S-1
4/2

Received copy
on 17-10-94.

S. Pillai
(M. C. Pillai) 17/10/94.

Considered for Application

: COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS :

FILED ON :



Received copy
24/11/94

(for S. Ravinder Rao)

6.
7/1/94. May 1994
7/1/94. May 1994

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.

APPLICANTS

(all Catering Managers
of South Central Railway)and

(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) Hasanulla

..2..

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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. REJOINTER:

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. Nowhere 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 on 17-7-1984 and not 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.

..3..

① Girimani
② T. Meethi kulkarni
③ Harmay

NP

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

① Deputy ..4..
 ② T. Mukundan
 ③ Hanay

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.

① Guru ..5..
② Muthiah
③ Hanay

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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 ~~1982~~ 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 Q.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.

① Guru
② T. Muhiuddin
③ Hanay

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.

Hyderabad,
Dated: 27/11/94.

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

Before me.

A D V O C A T E

(1) D. S. Pillai
(2) G. Venkateshwar
(3) H. Hanay

D E P O N E N T S

Countersigned by:

M.C.Pillai
(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.

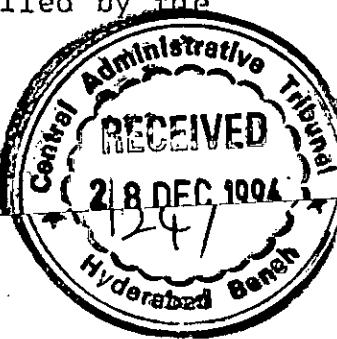
Sub:- Rejoinder filed by the
Applicants.

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
L Ramachandran
27/12/94
Advocate & Pract.

Recd copy

Recd copy
A. S. T. Gopalan
28-12-84
May be filed
At 3pm

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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, Railway Board, New Delhi	19. S. Mane
2. The General Manager, S.C.R., Secunderabad.	20. N. Prasuramulu
3. The Chairman, R.R.B., Secunderabad.	21. A. Obul Reddy
4. Chief Personnel Officer, SCR, Secunderabad.	22. V. Sreerama Murthy
5. Chief Commercial Manager (Catg.) SCR, Secunderabad.	23. V.N.Y. Somayajulu
6. Dy. Chief Comml. Manager (Catg.) S.C.R., Secunderabad.	24. K. Ram Babu
7. Sr. Comml. Manager (Catg.) 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 *hsl*

HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (A) *8*

..Contd.

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 responsi-

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

hcc

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 Rs.330-560 (RS) which was discontinued. It was averred by the applicant that since direct recruitment vacancies in the scale of Rs.425-640 were ~~many~~ unfilled they were shouldering higher responsibilities attached to the post and therefore they were legitimately ~~accepting~~ ^{exercising} the ~~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 ^{which} 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 although they shouldered higher responsibilities from 1988 onwards.



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 ^{the relief which} 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.330-⁵⁶⁰ 480 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.



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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 ^{taken} above was after a detailed discussion with the representatives of staff in the 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.260-430 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

b/w



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.



(B9)

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 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-

her

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 ^{as} 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 ^{as} 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 ~~.....~~ 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 is not in question. 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 undertaken. 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. 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-~~
~~misinterpreted~~
interpreted the direction of the Railway Board. Next he
✓ submitted that ~~the fact that~~ the applications were invited
~~by advertisement it must be presumed that the applicants~~
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 on the basis of ^{to be appointed}
~~by reason thereof~~
their selection and this is illegal. He submitted that by ~~not giving the benefit of appointment from 1984 not only~~
the seniority of the applicants in the grade of Catering
~~adversely~~
Managers has been ^{been} affected but they have also deprived of monetary benefit of the higher scale.

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 -- 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 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. 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 interceded in the case, 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. That was in the same posts
✓ ~~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
for ~~such a~~ ~~such~~
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~~ ~~such~~
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
✓ ^{them} to ~~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 ^{them} ~~that~~ being required to discharge
higher responsibilities. That apart, as pointed out by the
... 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
... 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.

If 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

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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:

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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 w.e.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 Prem Prakash v. UOI and Ors. (supra). The material portion reads as follows:

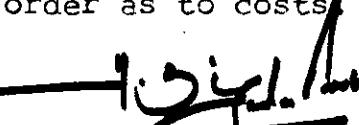
"Once the person is declared successful according to the merit list of selected candidates, the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change after his name is included in the list of selected candidates." While with respect, the principle 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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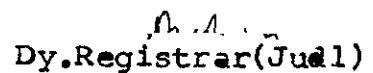
undergone a change or on that ground the applicants had been denied the appointment. Here what has happened is that the entire recruitment policy was changed, and the recruitment to that particular category was no longer permissible. The matter related to direct recruitment and since according to the 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 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 (Judge)

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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.

kku.

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I COURT

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COMPARED BY

APPROVED BY

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)

22-4
Dated: - 1996

ORDER/JUDGMENT

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

in
O.A.No. 1158/93

T.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.

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