

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.693/93

Date of order:08.07.1993

Between

M. Rameshan

.. Applicant

and

1. Union of India represented by
Director,
Establishment (RRB)
Railway Board,
Ministry of Railways,
Rail Bhavan,
NEW DELHI-110 001.

2. Sri K.Srinivasa Reddy,
Chairman,
Railway Recruitment Board,
IRISET Complex,
Lallaguda,Secunderabad

.. Respondents

Counsel for the Applicant

:: Mr S.Suryaprakasa Rao

Counsel for the Respondents

:: Mr NR Devraj, Sr.CGSC
Mr V.Venkateshwara Rao
for R2

CORAM:

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

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

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

Heard Learned Counsels for both the parties.
Mr Phani Raj for Mr V.Venkateshwar Rao for R2 is present.
Admit.

2. The applicant, who has been appointed as
Member Secretary, Railway Recruitment Board, Secunderabad,
vide Railway Board's letter dated 30.8.1991, is aggrieved
(by a subsequent ~~letter~~ communication dated 24.5.1993
addressed to the General Manager (P), South Central Railway

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Secunderabad stating that, the Railway Board came to the conclusion that the applicant should be sent back to his parent department and that, his services should be utilised on a non-sensitive post. The prayer of the applicant is, that the said letter of the Railway Board dated 24.5.93 be set aside, and, that, a direction be given to the respondents to allow the applicant to continue in the post of Member Secretary, Railway Recruitment Board, Secunderabad, till he attains the age of superannuation.

3. Mr Suryaprakasa Rao, Learned Counsel for the applicant has called our attention to Rule 6 of the Railway Recruitment Board (Chairmen, Member Secretaries and Assistant Secretaries) Recruitment Rules, 1985 which is extracted below:

"6. Tenure of office of Member Secretary:-

- i) A Member Secretary shall hold office until he attains the age of 58 years and shall be ineligible to revert back to his parent Department.
- ii) A Member Secretary shall be ineligible for re-appointment but shall be eligible for appointment as a Chairman. "

4. In view of the above Rule position, the contention of the applicant's counsel is that the respondents have no power or jurisdiction to remove the applicant from his office until he attains the age of 58 years. Further, the Railway Board cannot be said to be acting legally in sending the applicant back to his ^{parent} Department, because, the Rule itself says that a Member Secretary shall be ineligible to be reverted back to his parent department.

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5. Mr NR Devraj, Learned Counsel for the respondents has contended that first, there is no order as such either removing the applicant from his present post or posting himself elsewhere in his parent department. The Railway Board's letter dated 24.5.93 is merely a communication from the Railway Board to the General Manager. It cannot be said with certainty that the General Manager would immediately implement the order or that, he would not have referred the matter back to the Railway Board. Under these circumstances, Mr NR Devraj contends that the applicant has rushed to the Tribunal in the absence of any specific order ^{of} removing him from his post. He has also drawn our attention to a representation dated 14.6.1993, submitted by the applicant to the Railway Board, protesting against the Railway Board's decision to revert him ^{back} to his parent department. The said representation is under consideration with the Railway Board, and a final order thereon is yet to be passed.

6. Mr NR Devraj, Learned Counsel for the Respondents, on instructions, states categorically that, as on today, the applicant is in the post of Member Secretary, Railway Recruitment Board, Secunderabad. He (the applicant) has been on sick leave ever since February, 1993 and the applicant has not yet been ordered to go back to his parent Department. In view of the categorical submission made by the respondents' Counsel, we are of the considered opinion that this application is rather pre-mature.

7. The Learned Counsels for both the parties have agitated several other important issues relating to

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Copy to:-

1. Director, Establishment (RRB), Railway Board, Ministry of Railways, Union of India, Rail Bhavan, New Delhi-001.
2. One copy to Sri. S.Suryaprakasa Rao, advocate, 1-9-485/15 B, Vidyanagar, Hyd.
3. One copy to Sri. N.R.Devaraj, SC for Rlys, CAT, Hyd.
4. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd. for (R-2).
5. One spare copy.


Rsm/-

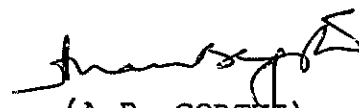
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this case before us. The contentious issue is whether in view of ~~the~~ Rule '6' of the Recruitment Rules, 1985, a Member Secretary can be removed from his office before he attains the age of superannuation and whether such Member Secretary having been appointed as such, could be sent back to his parent department either for unsatisfactory work or for some other allied reasons. We would not like to express any view in this regard in view of the statement from the respondent's counsel, that the applicant is still holding the post of Member Secretary, and that, he shall continue to ~~be~~ be Member Secretary, Railway Recruitment Board, Secunderabad, till his representation dated 14.6.93 is disposed ^{off} by the Railway Board. ^{therefore} We direct the respondent No.1 to take a final decision on the representation of the applicant, within one month from today. The decision of the Railway Board shall be communicated to the applicant by means of a reasoned order. The applicant, if he feels aggrieved by the decision of the Railway Board, or any fresh order, removing him from the post of Member Secretary, Railway Recruitment Board, can approach this Tribunal by means of a fresh application.

8. With the above observations and directions, this application is dismissed with no orders as to costs.

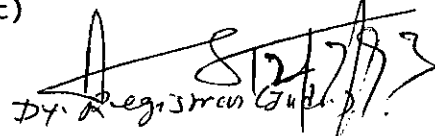

(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn)

Dated: 8th July, 1993

(Dictated in the open court)

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Dy. Registrar

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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. GORTY : MEMBER (AD)
AND

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

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

Dated : 27/11-1993

ORDER/JUDGMENT:

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

O.A. No. 693/93.

T.A. No. (w.p.)

Admitted and Interlocutory directions issued
Allowed
Disposed of with directions
Dismissed
Dismissed as withdrawn
Dismissed for default.
Rejected/ Ordered
No order as to costs.

Central Administrative Tribunal
DESPATCH
21 JUL 1993
HYDERABAD BENCH.

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27/11/93