

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.9-of-1993

AND

ORIGINAL-APPLICATION-NO.948-of-1994

DATE-OF-ORDER:-28th-February,-1997

BETWEEN:

O.A.NO.9-of-1993

1. Sq.Syed Mazsood Ahmed,
2. M.Rama Rao



APPLICANTS

AND

1. The Senior Divisional Personnel Officer,
South Central Railway, Vijayawada,
2. The Divisional Railway Manager,
S.C.Railway, Vijayawada,
3. Sri A.Thomas,
4. Sri Wingston Syam,
5. Sri T.Neelaiah,
6. Sri G.Abraham.

.. RESPONDENTS

O.A.NO.948/94

V.VENKATESWARULU

.. APPLICANT

and

1. The Senior Divisional Personnel Officer,
S.C.Railway, Vijayawada,
2. The Sr.Divisional Electrical Engineer,
Traction Division, S.C.Railway,
Vijayawada,
3. The Chief Personnel Officer,
S.C.Railway, Secunderabad,
4. M.Winston Syam

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.G.V.SUBBA RAO IN BOTH OAs

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ,Sr.CGSC in OA
No.9/93

Mr.D.F.PAUL, Addl.CGSC in
O.A.NO.948/94

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Mr.S.Ramakrishna Rao for R-3
to R-6 in OA 9/93

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

Heard Shri G.V.Subba Rao, learned counsel for the applicants in both the OAs, Shri N.R.Devaraj, learned senior standing counsel for the official respondents in OA 9/93, Shri D.F.Paul, learned standing counsel for the official respondents in OA 948/94 and Shri S.Ramakrishna Rao, learned counsel for R3 to R6 in OA 9/93 separately.

2. In both these OAs the memo bearing NO.B/P/563/VIII/Vol.VI/Drivers dated 26.11.92 are called in question. Hence both the OAs are clubbed together ^{heard -} and are being disposed of by this common order.

3. There are two applicants in OA 9/93. Pursuant to the directions issued by this Bench in OA 922/98 the respondents prepared a select list of persons eligible for the post of Jeep/Motor Drivers Grade III in the scale of pay of Rs.950-1500 (RSRP).

4. The applicants in these OAs were respondents in OA 922/88. In the impugned list they have been deleted from the panel. It is their grievance that the order in OA 922/88 is not properly implemented by the respondents by

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MEMO

the impugned letter dated 26.11.92. In case it was not properly implemented, the proper course ^{for} of the applicants was to file an application for implementation of the order. They are not entitled to file a fresh OA. The learned counsel for the applicants submit that the applicants in OA 922/88 had not qualified in selection and hence inclusion of their names in the impugned order dated 26.11.92 deleting ^{names of} the applicants in these two OAs are improper. He further submits that a contempt petition was filed wherein the official respondents have ^d accepted that the applicants in OA 922/88 had not passed the examination and because of that the present OA is filed. If the respondents are not submitting the correct facts and the facts given in the CP and the present OA are different, then the applicants have to take different channel applicable to them as per the law. Filing these two OAs is not ^{the} remedy to set right the irregularities, if any, committed by the respondents. Hence we are of the opinion that these two OAs are not maintainable. Hence both the OAs are dismissed as not maintainable. However this will not stand in the way of the applicants to initiate ^{appropriate} fresh proceedings in accordance with law. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Handwritten Signature]

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH