

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

R.P.No. 30 of 1993 in O.A.No.15 of 1993.

Between

Dated: 19.4.1993.

1. T.Gopalakrishna.
2. Sri. Prabhu Patel.
3. Sri. G.S.R.Murthy
4. Sri. Laxman.
5. Sri. Namdev.

6. Mekala Babu.
7. A.Lingaiah.
8. Sri. M.Srinivasulu.
9. Sri. K.Kemariah.
10. Sri. T.Srinivas Rao.

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And

Applicants

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. The Works Manager, Flash Butt Welding Unit South Central Railway, Moulali, Hyderabad.
4. The Works Manager, Office of Engineering Work Shop, ECW, South Central Railway, Lallaguda Workshop, Secunderabad.

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Respondents

Counsel for the Applicants

: Sri. K.Mohan

Counsel for the Respondents

: Sri. N.V.Ramana, Addl. CGSC.

CORAM:

Hon'ble Mr. T.Chandrasekhar Reddy, Judicial Member

The Tribunal made the following order:-

O.A.15/93 had came up for admission hearing on 8.2.93. This OA also had come up for admission hearing on 5.3.93. On 5.3.93 none were present on behalf of applicant Mr. N.V. Ramana for the respondents was present and reported ready. So, this OA was ordered to be listed for rejection on 8.3.93. On 8.3.93 till 12.05 pm none turned for the applicant. There was no representation on behalf of the applicant. So, after hearing Mr. N.V.Ramana, for the respondents in the OA, the OA was dismissed. The present RP. 30/93 is filed on behalf of the applicants in the main OA to set aside the dismissal order dated 8.3.93. In the RP it is maintained that in the OA the policy as transfer as personal by rotation is questioned and that this got to be decided only after hearing both sides in the OA. In the order dt. 8.3.93 we have not dealt with this aspect. So, in view of this position it will be fit and proper to review the earlier order dated 8.3.93 passed in this OA and set aside the same and to restore the OA to file. Apart from this the counsel for the applicants Mr. Mohan submitted that he could not be present on the earlier two occasions namely on 5.3.93 & 8.3.93 when this OA came up for admission hearing due to the ill health of his father. We are satisfied that sufficient cause is made out by the counsel for the applicant for his non-appearance when this OA had came up for admission on 5.3.1993 and

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on 8.3.93. In view of this position also it would be fit and proper to allow this RP. In the result we set aside our order dated 8.3.93 dismissing this OA and restore OA.15/93 to file.

Heard Mr. Mehan for the applicants and Mr. N.V.Ramana, for the respondents. After hearing both sides, as we are satisfied that this is a fit matter for adjudication, Admit this OA. The respondents may file their counter to the OA within 8 weeks with a copy to the advocate for the applicant and the applicant may file his rejoinder if any within 2 weeks thereafter. List the OA for final hearing in its usual course after the pleadings are complete.

The applicants in this OA are said to have already joined in the transferred posts. So, the question of granting any interim relief does not arise. Hence interim relief is refused.


Deputy Registrar (S)

Copy to:-

1. The General Manager, South Central Railway, Rail Niayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail-Nilayam, Secunderabad.
3. The Works Manager, Flash Butt Welding Unit South Central Railway, Moulali, Hyderabad.
4. The Works Manager, Office of Engineering Work Shop, ECW, South Central Railway, Lallaguda Workshop, Secunderabad.
5. One copy to Sri. K.Mehan, advocate, 3-2-90, II floor, General Bazar, Secunderabad-3.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-


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