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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW APPLICATION NO.45 of 1996
in
ORIGINAL APPLICATION NO.966 of 1993

DATE OF ORDER: 19th July, 1996

BETWEEN:

Smt. M.Indira Bai .. Applicant
and

The Regional Director,
Employees' State Insurance Corporation,
Hill Fort Road, Adarshnagar,
Hyderabad 500 463. .. Respondent

COUNSEL FOR THE APPLICANT: Shri P.NAVEEN RAO

COUNSEL FOR THE RESPONDENT: SHRI N.R.DEVARAJ,SR.CGSC

CORAM:

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

ORDERS

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

Heard Shri P.Naveen Rao, learned counsel for the Review applicant and Shri N.R.DevaRaj, learned

2. The applicant in the OA has filed this R.A. OA 966/93 was dismissed for reasons stated in the judgement. Following are the contentions for the

2. The first contention is that both the applicant and Shri K.M.G.Ali Hyder did not opt for



going to Yemmiganur. Hence promoting Ali Hyder on adhoc basis ignoring her claim is irregular and hence she is entitled for stepping up.

3. This has been considered in Para 7 of the judgement. When nobody was willing to go to Yemmiganur, Shri Ali Hyder who was at Kurnool which is above 20 Kms from Kurnool was posted in the interest of the administration. Hence the applicant cannot claim any stepping up on this ground. As this point has already been considered in the OA, same point cannot be agitated in this R.A.

both she and Shri Ali Hyder are adhoc LDCs when the ~~of them~~ above Memo dated 16.7.81 was called for. Hence both are ineligible to apply and hence she did not exercise the option. When nobody has applied, the post cannot be given to any employee who was posted nearest to Yemmiganur was sent on adhoc promotion. Hence the adhoc promotion cannot be treated as irregular one. Further the contention as above was not taken in the OA. Hence no new facts can be agitated in R.A. Hence this contention fails.

The third contention is that since Ali Hyder was allowed to work on adhoc basis for a very long time which is against the rules. This should have been agitated when the adhoc promotion was continued indefinitely but not after a lapse of considerable period when both of them are regularised as UDC. Hence at this stage she cannot claim ~~stepping up~~



(8)

stepping up on the ground that Shri Ali Hyder worked on adhoc basis for a long time and hence she is entitled for stepping up. In view of what is stated above, I find no merit in this contention also.

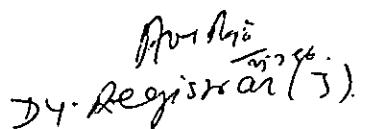
7. The 4th and the last contention is that she is similarly situated as the applicant in OA 873/93 which was decided on 2.8.93 allowing the application. The present OA was dismissed on 11.4.96 ie, after three years of the disposal of the OA 879/93. That OA was also filed in 1993. If the applicant feels that she is entitled for stepping up in view of the judgement in OA 879/93, she should have amended her present OA asking for relief on the basis of judgement in OA 879/93. No such amendment to the OA has been made. After the present OA disposed of, she relies some other OA which was not contemplated in this OA when she filed the same. Hence she cannot claim any relief following the direction given in OA 879/93.

7. In view of what is stated above, I find no merit in this R.A. Hence the R.A. is dismissed. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

DATED:-19th July, 1996
Open court dictation.


Avv. M.
Dy. Registrar (J)

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: 4 :

RP.45/96
O.A.966/93.

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1. The Regional Director, Employees State Insurance Corporation, Hill Fort road, Adarshnagar, Hyd.
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3. One copy to Sr. N.R.Devraj, Sr. CGSC, CAT, Hyd.
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Rsm/-

R.A 45791
9/8/93
07-9-66/93

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

TYR2A9

DATED: 19/7/96

ORDER/JUDGEMENT

D.A. NO. /R.A./C.P. No. 45791

in
D.A. NO. 966/93

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH
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HYDERABAD BENCH