

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.14/93

date of decision : 16-6-1993

Between

1. M. Satyanarayana,
2. A. Pullaiah,
3. D. Sambasiva Rao,
4. Ch. Samson,
5. P. Subba Rao,
6. V. Yacob,
7. M. Krishna Prasad,
8. Ch. Madhusudhana Rao,
9. Syed Hussain,
10. N. Chandra Rao,
11. K. Satyanarayana,
12. Ch. Krishna Murthy,
13. P.S. Krishnaiah,
14. K. Avulaiah,
15. K. Nirmal Kumar,
16. T. Rosaiah,
17. A. Shanmugam,
18. P. Balakotaiah,
19. D. Kondaiah,
20. D. Srinivasulu,
21. A. Arri, and
22. V. Benzeman.

: Applicants

and

1. Assistant Engineer (General)
South Central Railway
Vijayawada
2. Senior Divisional Personnel Officer
South Central Railway
Vijayawada
3. General Manager
South Central Railway
Secunderabad
4. Union of India, rep. by its
Secretary, M/o Railways
Railway Board
New Delhi
5. G. Seshagiri Rao
6. R. John
7. D. Satyanarayana
8. K. Venkateswara Rao
9. A. Aseervadam
10. N. Appala Rao
11. P. Venkata Rao
12. K. Ch. Babu Rao
13. T.D. Sambasiva Rao

ii) to declare the action of the respondent authorities vide impugned proceedings No.B/P.407/VII/CAT/TA 44/88, dated 4-12-1992 and No.AEN/Br./8 APS, dated 11-12-1992 proposing to conduct screening test and regularise the casual labour working under Chief Bridge Inspector / Bridge Inspector, Rajahmundry, alone without considering the claim of seniormost eligible candidates including the applicants herein under the Divisional seniority list in vogue as arbitrary and illegal.

iii) to declare the impugned proceedings No.B/P.407/VII/CAT/TA 44/88, dated 4-12-1992 and No.AEN/Br.8/APS, dated 11-12-1992 issued by the 2nd and 1st respondents respectively as arbitrary, unfair and discriminatory, and pass such other order or orders as deemed fit and proper to meet the ends of justice.

4. The above proceedings dated 4-12-1992 and 11-12-1992 referred to in above reliefs for declaration were in pursuance of the direction in TA.44/88 on the file of this Tribunal. It is, thus evident that in order to claim the first relief of the direction, the applicants are challenging the order of this Tribunal in MA.1001/90 in TA.44/88 and also order in TA.44/88. The only way in which the order of this Tribunal can be challenged by the non-applicants is by preferring a review application as held by the Full Bench in OA.27 and 28 of 1987 dated 2-11-1987 of Bangalore Bench in John Lucas & another vs. Additional Chief Mechanical Engineer, South Central Railway and others.

5. Hence, this OA is liable to be dismissed. But this does not debar the applicants herein to prefer a review application as against the orders referred to above if they

30/10/

14. K. Venkata Ramana
15. S.K. Subhani
16. A. Venkata Rao
17. N. Prasad
18. P.K.S. Satyanarayana
19. S. Venkata Ramana
20. R. Subba Rao
21. P. Satyanarayana
22. M. Yesu Padam
23. S.V. Narasimha Rao
24. K. Naga Raju
25. K. Dass

: Respondents

The respondents No.5 to 25 above
are the employees of South Central
Railway under Bridge Inspector,
Rajahmundry.

Counsel for the applicants : V. Rama Rao, Advocate

Counsel for the respondents
1 to 4 : N.R. Devaraj, SC for Railways

Counsel for the respondents
5 to 25 : N. Rama Mohan Rao, Advocate

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri Murthy for Sri V. Rama Rao, learned counsel
for the applicants and Sri N.R. Devaraj, learned counsel
for the respondents 1 to 4 and Sri N. Rama Mohan Rao, learned
counsel for the respondents 5 to 25.

2. MA.13/93 is allowed as prayed for to file a single OA.

3. This OA is filed seeking for a direction to the
respondent authorities to direct them to

i) to conduct the Screening test for employment of candidates
to Class-IV posts in Vijayawada division on the basis of
eligibility and entitlement under the latest Divisional
Seniority list prepared by the first respondent vide Proceed-
ings No.AEN/23/CBRI/BZA, dated 11-9-1992 calculating the
seniority as on 1-9-1992,

20/10/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

12
32
O.A.NO. 14/93

M.A.No.13/93 (to add Addl.Applicants
in Single O.A.)

Date of Order: 6-1-93

Between:

1. M.Satyanarayana ✓
2. A.Pullaiah ✓
3. D.Sambasiva Rao ✓
4. Ch.Samson ✓
5. P.Subba Rao ✓
6. V.Yacob ✓
7. M.Krishna Prasad ✓
8. Ch.Madhusudhana Rao ✓
9. Syed Hussain ✓
10. N.Chandra Rao ✓
11. K.Satyanarayana ✓
12. Ch.Krishna Murthy. ✓

13. P.S.Krishnaiah ✓
14. K.Avulaiah ✓
15. K.Nirmal Kumar ✓
16. T.Rosaiah ✓
17. A.Shanumugam ✓
18. P.Balakotaiah ✓
19. D.Kondaiah ✓
20. D.Srinivasulu ✓
21. A.Arri ✓
22. V.Benzeman ✓

.. Applicants.

and

1. Asst.Engineer (General)
South Central Railway, Vijayawada. ✓
2. Sr.Divisional Personnel Officer,
South Central Railway, Vijayawada. ✓
3. General Manager, South Central Railway,
Secunderabad. ✓
4. Union of India rep. by its Secretary,
Ministry of Railways, Railway Board,
New Delhi. ✓
5. G.Seshagiri Rao ✓
6. R.John ✓
7. D.Satyanarayana ✓
8. K.Venkateswara Rao ✓
9. A.Aseervadam ✓
10. N.Appala Rao ✓
11. P.Venkata Rao ✓
12. K.Ch.Babu Rao ✓
13. T.D.Sambasiva Rao ✓
14. K.Venkata Ramana ✓
15. Sk.Subhani ✓

16. A.Venkata Rao ✓
17. N.Prasad ✓
18. P.K.S.Satyanarayana ✓
19. S.Venkata Ramana ✓
20. R.Subba Rao ✓
21. P.Satyanarayana ✓
22. M.Yesu Padam ✓
23. S.V.Narasimha Rao ✓
24. K.Naga Raju ✓
25. K.Dass. ✓

.. Respondents.

(RR 5 to 25 are the employees of
S.C.Rly, Under Bridge Inspector,
Rajahmundry).

cont

For the Applicants: Mr.V.Rama Rao, Advocate

For the Respondents: Mr. .. SC for Rlys.

CORAM:

THE HON'BLE MR.R.BALASUBRAMANIAN : MEMBER(ADMN)

AND

THE HON'BLE MR.C.J..ROY : MEMBER(JUDL)

The Tribunal made the following Order:-

O.A.14/93 is moved as a Lunch Motion with a prayer to direct the respondents to include the applicants herein also for the screening proposed to be conducted shortly. An M.A. is also filed seeking permission to file a single O.A. It is seen that the private respondents in this O.A. are the beneficiaries in an M.A. and CP of T.A.44/88.

2. Six weeks notice is given to the Respondents to enable them to file the counter. List the case thereafter for admission hearing in usual course. The respondents are directed to treat any selection done based on this screening as subject to the final outcome of this O.A.

88/93
Deputy Registrar (J)

To

1. The Asst.Engineer(General) S.C.Rly. Vijayawada.
2. The Sr.Divisional Personnel Officer, S.C.Rly. Vijayawada.
3. The General Manager, S.C.Rly, Secunderabad.
4. The Secretary, Union of India, Ministry of Railways, Railway Board, New Delhi.
5. G.Seshagiri Rao
6. R.John
7. D.Satyanarayana
8. K.Venkateswara Rao
9. A.Aseervadam
10. N.Appala Rao
11. P.Venkatarao
12. K.Ch.Babu Rao
13. T.D.Sambasiva Rao
14. K.Venkata Ramana
15. Sk.Subhani
16. A.Venkata Rao
17. N.Prasad
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19. S.Venkata Ramana
20. R.Subba Rao
21. P.Satyanarayana
22. M.Yesu Padam
23. S.V.Narasimha Rao
24. K.Naga Raju
25. K.Dass.

905
R.R.5 to 25 are working under Bridge Inspector, S.C.Rly (Rajahmundry).

26. One copy to Mr. V.Rama Rao, Advocate, 3-6-779, Himayatnagar
27. One copy to Mr. .. SC for Rlys, CAT.Hyd.
28. One spare copy.

pvm

[Handwritten signature]

14 *Urgent* 11/15
TYPED BY ~~RM~~ ~~8/1/93~~ COMPARED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY APPROVED BY
HYDERABAD BENCH
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:M(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER (JUDL)

Dated: 6 - 1 - 1992

ORDER/JUDGMENT:

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

13/93

in

O.A.No. 14/93

T.A.No.

(W.P.No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A.Ordered/Rejected

No order as to costs.

