

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD.

O.A.NO.421

of 1993

Between:

M.Sriramulu Naidu.

.. Applicant.

And

1. Chief Personnel Officer
South Central Railway,
Secunderabad and others.

2. Divisional Railway Manager .. Respondents
Hyb.Division, Sec'bad.

~ Statement ~

REPLY ~~AFFIDAVIT~~ FILED ON BEHALF OF ALL RESPONDENTS

----- ready S/o Late N.C.R.Reddy aged 33 years

R/o Secunderabad do hereby solemnly affirm and state as follows:

I am working as Senior Divisional Personnel Officer in the office of DRM/HYB as such I am well acquainted with the facts of the case. I file this reply affidavit on behalf of all respondents as I am authorised to do so.

2. The respondents refute and deny the allegations made in the O.A. as false and incorrect. Save these which are specifically admitted herein and replied herein and the applicant is put to strict proof of the same.

3. With regard to paras 1 to 5 of the O.A. it needs no reply.

4. With regard to para 6 of the O.A. the respondents submit that the applicant while working as head clerk under P.W.I. Kurnool in scale Rs.1400-2300 was subjected to the selection for the post of Chief clerk (CS II) in scale 1600-2600 during 1990.. The applicant was empanelled for the post of O.S.II in scale of 1600-2600 against the anticipated vacancy vide this office memo No.Y/P/CON/605/Select/CC/Engineer dt: 12-2-90 enclosed herewith as Annexure R-I. The applicant was promoted

Attested

Asst. Personnel Officer
Hyderabad (MG) Divn.,
S. C. Railway, Secunderabad.

Deponent

वरिष्ठ मंडल अधिकारी

हैदराबाद (नॉ.ल.) मंडल

द. म. रेलवे विभाग

Sr. Divl. Personnel Officer

Hyderabad (MG) Divn.,

S. C. Railway, Secunderabad

.....2

23

as O.S.II and posted to senior DEN/SC office vide the office letter No. ^{S.O.O} ~~CON~~/136/ADMN/90 dt: 9-11-1990, enclosed herewith as Annexure R-II.

5. The respondents further submits, though the applicant did not effected his promotion, Inter alia Smt.R.Jhansi Senior clerk of senior DEN/SC office has been promoted as Head Clerk in scale 1400-2300(R.S.R.P.) and transfered to P.W.I. Kurnool vide the office letter dt: 26-2-1991.

The applicant as well as Smt.Jhansi neither effected promotion nor submitted refusal. Further they were advised vide letter dt: 29-5-1991, enclosed herewith as Annexure R-III to effect their promotion by 15-6-1991 or to submit their unwillingness immediately, but they failed to do so and kept silent.

6. The applicant has submitted an application on 6-7-1991 requesting to retain him on promotion as O.S.II in AEN/O Kurnool on account of applicant's widow mother is sickness and he is not in a position to move out from Kurnool to Secunderabad, enclosed herewith as Annexure R-IV. It is incorrect to contend that seniors are not considered at Head Quarters and juniors are posted out stations, though the applicant is junior in the panel, he has been posted to Sec'bad. It is equally false to contend that the guidelines on transfer of staff were not observed or over looked in this case. It is false to state that the applicant's transfer is delayed for want of a reliever. It is pertinent to mention that at the time of promotion of applicant, there is no vacancy of OS II under AEN/KURNOOL, as such retaining the applicant as OS II at Kurnool does not arise. Sri D.C.Mohan Rao was posted to Kurnool to relieve the applicant and he reported on 14-8-1991. The applicant not effected his promotion to Sr.DEN/SC Office but approached to high officials of Engineering Department

Attested

Dependent

....3

Sr.

24

and expressed his inability to effect his transfer on promotion as Chief Clerk to HYB Head Quarters area and requested for retention in AEN/O/KRNT. His request has been considered by Sr.DEN/Co.Crd./HYB which was duly approved by ADRM/HYB. An office order has been issued on ²¹⁻²⁻¹⁹⁹⁰ ~~27-8-1991~~ posting Sri N.G.P.Pillai to Sr.DEN/O/HYB and the applicant to AEN Kurnool, enclosed herewith as Annexure R-V. The above mentioned order issued, was subsequently cancelled as it violated the guidelines of transfer posting in force and further more the applicant ~~is not~~. The respondents submit as evident from the above mentioned facts, it is manifest that the applicant was himself not interested in getting relieved and effecting his promotional transfer. He tried his best to be retained at Kurnool even though there was no vacancy. The delay of 10 months in carrying out his promotional transfer therefore cannot be attributed to the administration.

7. The respondents further submit the applicant has finally reported to duty to Sr.DEN/O/HYB on 30-9-1991. The seniority list of OS II in Civil Engineering Department was published on 1-11-1992 by Hyderabad Division, assigning the date of reporting to duty to Sr.DEN/O/HYB office, enclosed herewith as Annexure R-VI. Subsequently the 1st respondent published a combined seniority list of OS II. The applicant did not represent against the seniority list published by Hyderabad Division, even though he was given a chance. He represented his case to the combined seniority list published by 1st respondent, enclosed herewith as Annexure R-VII.

8. The respondents further submit as detailed supra, the applicant did not effect his promotion for nearly 10 months from the date of promotion order, hence he cannot attribute laches on the part of administration. He never attempted to

Attested
सहायक कार्यालय अधिकारी
हैदराबाद (मी.आ.) मंडल
द. म. मंडल, हैदराबाद
Asst. Officer
Hyderabad (M.A.) Divn.
Sd/-

Deponent4
वरिष्ठ मंडल कार्यालय अधिकारी
हैदराबाद (मी.आ.) मंडल
द. म. मंडल, हैदराबाद
Sr. Officer
Hyderabad (M.A.) Divn.
Sd/-

effect his promotion and twice he applied for retention at Kurnool which could not be agreed upon on account of lack of vacancy. As per para 224 of Establishment Manual, an employee refusing promotion expressly or if he does not give in writing his refusal but also does not join the post to which he has been selected, his seniority will be from the date of effect of promotion and he will rank junior to all persons promoted earlier, than him from the same panel irrespective of his panel position.

9. With regard to paras 7 to 13 of the application it needs no reply as it is formal.

It is therefore prayed that the Hon'ble Tribunal may be pleased to dismiss the O.A. with exemplary costs.

Hyderabad.

Dt:

RESPONDENTS.
Deponent
वरिष्ठ मंडल कामक अधिकारी
हैदराबाद (मी.ला.) मंडल
द. म. रेलवे, गिंदराबाद
Sr. Divl. Personnel Officer
Hyderabad (MG) Divn.,
S. C. Railway, Secunderabad

VERIFICATION:

We
do hereby declare that the contents of
paras 1 to 9 are true and correct to the
best of our knowledge and belief.

Verified on this day of 3rd April 1995.
at Hyderabad.

Attested
सहायक कामक अधिकारी
हैदराबाद (मी.ला.) मंडल
द. म. रेलवे, गिंदराबाद
Asst. Personnel Officer
Hyderabad (MG) Divn.,
S. C. Railway, Secunderabad.

RESPONDENTS.
Deponent
वरिष्ठ मंडल कामक अधिकारी
हैदराबाद (मी.ला.) मंडल
द. म. रेलवे, गिंदराबाद
Sr. Divl. Personnel Officer
Hyderabad (MG) Divn.,
S. C. Railway, Secunderabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD.

O.A.No. 421 of 1993

Between:-

M.Sriramulu Naidu ..Applicant

And

Chief Personal Officer
and another.

...Respondent

LIST OF MATERIAL PAPERS FILED BY
RESPONDENTS.

Filed on:

Filed by:

G.S.Sanghi

Advocate.