

(104)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A. No.508/93

Date of decision: 19.11.1996

BETWEEN:

G. Sreenivasulu

.. Applicant

AND

1. Union of India, Through: Secretary, Railway Board, Rail Bhavan, Rafi Marg, New Delhi.
2. Chairman, Union Public Service Commission, New Delhi.
3. General Manager, South Central Railway, Secunderabad.
4. Sri P. Munishwara Rao, Works Manager, S&T Shops, Mettuguda, Secunderabad-500037.
5. Sri T.G. Osuru, SSTE Construction, Rail Nilayam, Secunderabad-500 371

.. Respondents

Counsel for the applicant: Shri S. Ramakrishna Rao

Counsel for the Respondents: Shri N. R. Devaraj

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

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

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JUDGEMENT

(Oral order per Shri R. Rangarajan: Member (ADMN.)

Heard Shri S. Ramakrishna Rao for the applicant and Shri N.R. Devaraj for the respondents.

This OA is filed to quash the order No.E(GP)92/1/55 Dt.15.9.92 issued by the Railway Board whereby ~~approval of the~~ ~~President was conveyed to the promotion of the Gr.B. officers of S&T~~

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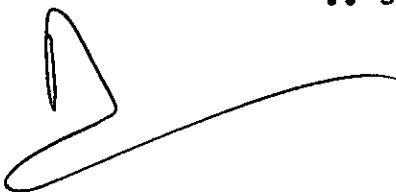
Department of the Indian Railways being appointed substantively to the junior scale of IRSSE with effect from 23.7.92, by holding the same as arbitrary, illegal and ultravires to the principles of natural justice and in violation of Articles 14 and 16 of the constitution and to consider him for appointment to junior scale of I.R.S.S.E duly observing the <sup>only</sup> ~~inter~~ seniority of 60 : 40 ratio of direct recruits and departmental promotees with all consequential benefits.

When the OA was taken up for hearing today we enquired from the learned standing counsel whether setting aside of the impugned notification will affect the other Group-'B' officers numbering 127 in the panel. The learned counsel for the applicant submitted that it may affect. He further submitted that as R-4 and R-5 who are junior to the applicant in the panel are impleaded, that would suffice for the affected parties to <sup>convict</sup> ~~convex~~ their case. However we feel that all the affected officers should be impleaded so that the order that will be passed in this OA after duly hearing them all, <sup>and</sup> will be binding on them. Without hearing all the appropriate parties passing of order behind their back is untenable.

In view of the above opinion the learned counsel for the applicant submitted that an OA No.574/93 ~~has been~~ filed on the file of the Principal Bench of this Tribunal challenging the same notification of 15.9.92 wherein all the necessary and appropriate parties have been impleaded and if the direction <sup>as</sup> ~~in~~ <sup>be given</sup> that OA is made applicable in this case also, he will have no objection to withdraw this O.A.

The learned standing counsel submitted that he has no objection for disposal of this OA on those lines provided

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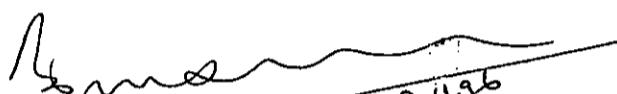


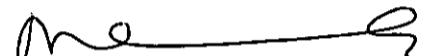
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the applicant is otherwise eligible to get the benefit of that direction.

In view of the above submissions this OA is disposed as not pressed subject to the condition that the direction that is to be passed by the Principal Bench in OA 574/93 is applicable to the applicant herein also if he is otherwise eligible to get the benefits of that direction.

The OA is disposed accordingly. No costs.

  
19.11.96  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated: 19th November 1996  
Dictated in the open court

*Amalg  
1996  
Dy. Registrar)*

KSM