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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

BENCH : AT HYDERABAD

BA No.514/93.

Dt. of Order:12-8-93.

S.Seetharamamma

...Applicant

Vs.

1. The Senior Divisional Commercial Superintendent, South Central Railway, Vijayawada.
2. The Divisional Railway Manager, SC Railway, Vijayawada.
3. Senior Divisional Personnel Officer, SC Railway, Vijayawada.
4. The Station Superintendent, Vijayawada, Railway Station, Vijayawada.

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri N.R.Devraj, SC for Rlys

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CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Divn. Bench passed by
Hon'ble Shri A.B.Gorthi, Member (A)).

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In this application the prayer of the applicant is for a direction to the Respondents to post her as Waiting Room Attendant at Vijayawada.

2. The applicant initially joined service as

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Sanitary Sweeper in Medical Department and was transferred to the Commercial Department as a Water Woman under the administrative control of Sr.Divisional Commercial Superintendent, S.C.Railway, Vijayawada, on 17-1-90.

The applicant states that she underwent family planning operation and ever since ~~has~~ been maintaining poor health. She requested that her case may be considered for the lighter job of Waiting Room Attendant. Her request was favourably considered by the then Addl. Divisional Railway Manager, Vijayawada, who registered her name for appointment as Waiting Room Attendant. ○ According to her, three employees were registered for the said appointment in the following order :-

- 1.Smt.Jamayamma
- 2.Smt.S.Seetharamamma
- 3.Smt.K.Ammaji Amma.

It seems that Smt.Jamayamma, declined to be appointed as a Waiting Room Attendant. The grievance of the applicant is that ignoring her claim to be appointed as Waiting Room Attendant, the Respondents appointed Smt.K.Ammaji Amma as Waiting Room Attendant although Smt.K.Ammaji Amma was working as a Luggage Porter earlier. The applicant submitted a representation to the Divisional Railway Manager, SC Railway, Vijayawada on 6-6-92 but received no reply. Thereafter her case was taken-up by the Secretary of National Forum

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of Railway Congressmen by his letter dt.10-6-92 but without any favourable reply from the Respondents.

3. We have heard Shri G.V.Subba Rao, learned counsel for the applicant and Shri N.R.Devraj, learned standing counsel for the Respondents. On the merits of the case Shri Devraj states that the applicant had earlier approached this Tribunal against her posting as Luggage Porter and the said O.A. was dismissed. However it was observed there-in that the respondents ~~may~~ take into consideration the poor state of health of the applicant and assign her ~~the~~ suitable duties. Consequently, it seems the respondents sent her to Venu Konda as a Water Woman. Aggrieved ~~by~~ the same she has filed another O.A., which is pending before the Tribunal.

4. The main contention raised by Shri Subba Rao, ^{that} is in view of the poor health of the applicant she is not able to perform efficiently the duties assigned to her as Water Woman and as her case was favourably considered by the then ADRM, Vijayawada, she should now be considered for posting as Waiting Room Attendant.

5. It is seen that the posts of Water Woman/Waiting Room Attendant/Luggage Porter are of in the same scale of pay. The post of Waiting Room Attendant is not a promotional post ~~for~~ Water Woman. In view of

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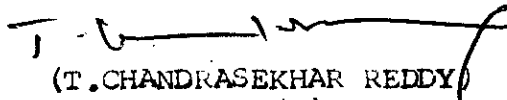
1. The Senior Divisional Commercial Superintendent, South Central Railway, Vijayawada.
2. The Divisional Railway Manager, S.C.Railway, Vijayawada.
3. Senior Divisional Personnel Officer, SC Railway, Vijayawada.
4. The Station Superintendent, Vijayawada, Railway Station, Vijayawada.
5. One copy to Sri. G.V.Subba Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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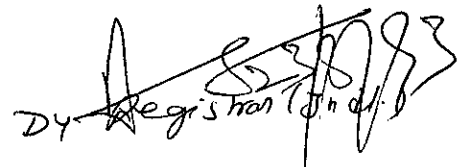
this situation it is for the competent authority to consider as to who should be appointed as Waiting Room Attendant. The applicant cannot be said to have a vested right to be appointed as Waiting Room Attendant merely on ^{the} ground that her case was considered and was recommended. In any case, we find that her representation dent. While we see no merit in the application and order that it be dismissed, there can be no denying the fact that it is the onerous duty of the Respondents to have properly considered the case of the applicant keeping in view the relevant factors such as her state of health and the fact that her case had already been recommended by ADRM, Vijayawada, and to give a final decision on the representation made by her. Accordingly the 2nd respondent is here-by directed to consider the case of the applicant and pass a final order there-on within two months from the date of communication of this order. No costs.


(T. CHANDRASEKHAR REDDY)
Member (J)


(A.B. GORTHI)
Member (A)

Dated: 12th August, 1993
Dictated in Open Court.

avl/ad


Dy. Registrar (J. n. d.)

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