

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.517 of 1993

DATE OF JUDGEMENT:-3rd September, 1996

BETWEEN:

A.LAKSHMANA RAO

.. Applicant

and

1. The Divisional Railway Manager,  
South Central Railway,  
Vijayawada,

2. The Sr.Divisional Personnel Officer,  
S.C.Railway, Vijayawada,

3. The Divisional Engineer-II,  
S.C.Railway, Vijayawada,

4. The Assistant Engineer,  
S.C.Railway, Bhimavaram (P.O),  
West Godavari District.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.KRISHNA REDDY

COUNSEL FOR THE RESPONDENTS: SHRI V.BHIMANNA, Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE CHAIRMAN

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

JUDGEMENT

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

Heard Shri P.Krishna Reddy, learned counsel for the  
applicant and Shri V.Bhimanna, learned standing counsel  
for the respondents.

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2. The applicant in this O.A. joined as casual labourer and thereafter he was empanelled for absorption in terms of Annexure R-1 letter dated 27.1.92. He was absorbed as Khalasi with effect from 7.2.92 against the existing vacancy under IOW, Bhimavaram. It is further stated by the respondents that his seniority for all purposes shall be counted from 7.2.92. The applicant though called for filling up vacancies in the Artisan category i.e, Carpenter Khalasi in this case, by the Annexure R-5 letter dated 16.9.93, his name was omitted from the list as there were 3 seniors to him for consideration for the post of Carpenter Khalasi. The applicant submits that he <sup>was</sup> ~~has been~~ given promises by ADRM, BZA that he will be posted as Carpenter Khalasi if he undergoes family planning operation. But instead of that assurance, after he underwent that family planning operation, he was not considered for the post of Carpenter Khalasi. The name of the applicant was recommended by the AEN, Bhimavaram in his endorsement dated 18.7.92 for considering him for the post of Carpenter Khalasi as and when vacancy arises as promised by DRM/BZA at Bhimavaram during family planning operation. But we find from Annexure R-2 that the DRM having considered the matter had come to the conclusion that consideration for the post of Carpenter Khalasi is only on the basis of seniority and not on any other basis. The applicant made a representation to post him as Carpenter Khalasi by his representation dated 5.4.93 to DRM/BZA.

3. Under the above circumstances, this OA is filed praying for a direction to the respondents to post the applicant as Carpenter Khalasi in the pay scale of Rs.750-940 (RSRP) from the date the other three persons were posted in the post of Carpenter Khalasi.

4. The main contention of the applicant in this OA is that he was promised for consideration <sup>for</sup> ~~and~~ posting in the post of Carpenter Khalasi after he undergoes family planning operation. In view of that the respondents cannot now refuse considering him for the post and deletion of his name from the aptitude test is irregular and he should be considered for that post and posted as Carpenter Khalasi when the other three employees were posted as the aptitude test was concluded in terms of Annexure R-5 letter.

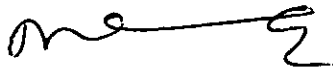
5. The respondents in the reply have categorically stated that consideration for the post of Artisan Khalasi is not one of the incentives provided for by the Railway Board. They have indicated the incentives applicable to a railway employee who adopts small family norms through operation either by himself or his spouse. Consideration for the post of Carpenter Khalasi/Artisan Khalasi is not one of the incentives provided in that letter. This fact has not been contradicted by the applicant by filing rejoinder. Hence it has to be held that promotions given de hors rules cannot be upheld in view of the clear cut

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incentives to be granted to an employee who adopts small family norms. In the absence of any such rules, the applicant cannot claim for consideration for the post of Artisan Khalasi/Carpenter Khalasi out of turn.

6. In view of the above, the O.A. fails and accordingly it is dismissed. No costs.




(R. RANGARAJAN)  
MEMBER (ADMN.)



(B.C. SAKSENA)  
VICE CHAIRMAN

DATED: 3rd September, 1996.  
Open court dictation.

vsn

  
Dy. Registrar (Judl.)

3/9/96

OA-517/93

Typed By  
Compared by

Checked By  
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

Hon. Justice Mr. B.C. Saxena, vc  
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 3/9/96

ORDER/JUDGEMENT  
R.A/C.P./M.A.NO.

O.A.NO.

in  
517/93

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

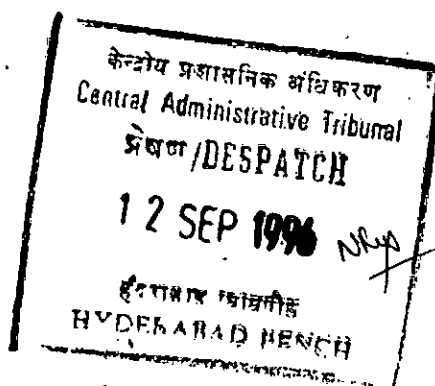
ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

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