

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.793 of 1994

Date of Order: 19.4.1996

Between:

M.S.BHASKARAN PILLAI

....APPLICANT

and

Union of India represented by:

South Central Railway,  
Secunderabad,

2. The Chief Personnel Officer,  
S.C.Railway, Secunderabad,
3. The Chief Engineer (Bridges),  
S.C.Railway, Secunderabad,
4. The Works Manager, Engineering Workshop,  
Secunderabad-500 017,
5. Shri S.S.Sarode, Chargeman-A,  
Engineering Workshop, S.C.Railway,  
Lallaguda, Secunderabad.

.... Respondents

COUNSEL FOR THE APPLICANT: Mr.M.C.PILLAI

COUNSEL FOR THE RESPONDENTS: SHRI J.R.GOPALA RAO,  
Standing Counsel for Rlys.

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI,  
VICE CHAIRMAN)

Heard Shri M.C.Pillai, learned counsel for the  
applicant and Shri J.R.Gopala Rao, learned standing  
counsel for the respondents.

*[Signature]*

*[Signature]*

2. The applicant retired on superannuation on 30.4.1993 while he was officiating as Chargeman 'B' on adhoc basis. He entered service in H.S. Grade-I on 1.7.1978. He was empanelled for adhoc promotion to the post of Chargeman 'B' on 8.10.1984 and was appointed to that post on adhoc basis.

Since then he continued to remain adhoc and was not regularised in the post of Chargeman 'B'. An occasion arose to the applicant to raise the question about his regularisation in the earlier O.A, viz, No.882/92 which was decided by

on 15.9.1993. It was the contention of the applicant that his junior Shri G. Subbaram

promoted as chargeman 'A' and there was no reason as to why regularisation was being denied to him ever since 1984. The prayer he made was that he should be

regularised in the post of Chargeman 'B' and should be considered for further promotion.

'A'. The applicant, however, could not succeed in that Application. Shri Pillai, learned counsel for the

applicant submits that that case was relating to interse seniority between him and Shri

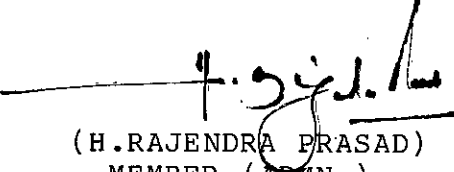
now a grievance is being made with reference to another officer viz, Respondent No.5 Shri S.S.Sarode (wrongly spelt as Sarada). Thus the question of denial of

the applicant much earlier is open to be agitated. We regarded that we cannot accept the question

argument as it stood concluded by the earlier order. As a consequence of the applicant not having been

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regularised as Chargeman 'B', he could not earn his promotion as Chargeman 'A'. As against that, Respondent No.5 Shri S.S.Sarode although was promoted from the post of Chargeman 'B' on 14.10.1992 and was promoted to the post of Chargeman 'A' with effect from 1.3.1993. The position, therefore, happens to be that whereas Respondent No.5 who earned regularisation as Chargeman 'B' could be promoted as Chargeman 'A', the applicant lacked eligibility since he was only officiating on adhoc basis as Chargeman 'B' on 1.3.1993. It is, therefore, not possible to grant him the relief as prayed viz. to direct Respondent No.1 to notionally promote him as Chargeman 'A' from the date on which Shri S.S.Sarode was promoted to that post and give him all consequential benefits. We do see that for whatever reason, the applicant may not have been regularised and was continued to work as Chargeman 'B' only on adhoc basis. He could have some grievance about it but that cannot be removed at this stage. In the result, the Original Application is dismissed.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMN.)

  
(M.G. CHAUDHARI)  
VICE CHAIRMAN

DATED: 19th April, 1996  
Open court dictation.

vsn

  
Deputy Registrar

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O.A.793/94.

To

1. The General Manager, S.C.Rly, Secunderabad.
2. S.C.Rly, Secunderabad.
3. The Chief Engineer(Bridges) S.C.Rly, Secunderabad.
4. The Works Manager, Engineering Workshop SC Rly, Lallaguda, Secunderabad.
5. One copy to Mr. M.C.Pillai, Advocate, CAT.Hyd.
6. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

17/5/94

B

I COURT

TYPED BY

CHECKED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

Dated: 19.6.1996

~~ORDER~~ JUDGMENT

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

in

O.A.No.

793/94.

T.A.No.

(w.p.)

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

