

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD.  
R.P. 72/91  
O.A.NO. 949 of 1994.

Between:

D. Suryakantam.

.....Applicant.

AND

The Chief Medical Officer,  
S.E. Railway, Garden Reach,  
CALCUTTA-43. and 2 others.

.....Respondents.

AFFIDAVIT FILED BY THE APPLICANT

I, D. Surya Kantham, wife of late Suryanarayana,  
Senior Clerk  
Hindu, aged about 54 years, ~~Junior Field Worker~~, Working under  
the control of the third Respondent herein, having temporarily  
come down to Hyderabad, do hereby solemnly affirm and state on  
oath as follows:-

1. I submit that I am the Applicant herein and I am  
fully conversant with the facts of the case.

2. I filed the above O.A. for promotion to  
promote me as Senior Field Worker (Female) in the immediate/  
existing vacancy and to protect my seniority.

3. This Honourable Tribunal by an order dated 2-6-1997  
disposed off the O.A. in the light of the averments of the counter  
affidavit, which states that I was promoted against a post of  
Senior Field Worker, Adra under Order dated 14-02-1991 of CPO(M)  
communicated to DRM (P). (Am.E) to the counter). It is further  
alleged in the counter that I did not carryout the transfer order  
nor given my refusal in writing. At page-2 of the counter, it  
also stated that the above vacancy lying vacant from 1-6-1988

1st page.

corrnrs:

*[Signature]*  
attestor.

*[Signature]*  
DEPONENT.

(8)

-/2/-

stands frozen under circular No.135/84 after one year and a reference is made to Railway Board on 9-6-1993 for revival. As such it is not known as to how they could issue promotion order against a frozen vacancy and further at no point of time, I was communicated with the above referred transfer order and I was not even relieved in the light of the above position. In the absence of communication and orders relieving me, the question of not carrying out the orders does not arise. On this aspect, I was not posted with the facts correctly.

As seen from Annexure-C to counter, Smt. Suman patil promoted as Senior Field worker against Nagpur. Nothing is mentioned as when she was promoted. Suitability tests are held at Nagpur and no point of time her name was reflected either in the select list of seniority list. This became known to the counter. By simply showing my name against a frozen vacancy and even without communicating to me the Railways concluded that I have not carried out the transfer and promoted Smt. Suman by Order dated 15-11-1991 against Nagpur vacancy. There it is mentioned as to when she was promoted and when Patil was empanelled and the Seniority of Smt. Patil visavis my self. Thus the authorities have played hide and seek game and deprived me of my promotion and seniority.

5. For the reasons mentioned in paras 3 & 4 above, and also in the light of Annexure-E & C annexed to counter

2nd page.

corrns:

attestor.

D. Suryakantham  
DEPONENT.

(9)

-/3/-

and the counter, the order dated 2-6-1997 requires review.  
Hence this Application.

6. It is, therefore, just and essential that this Honourable Tribunal may be pleased to Review the Order dated 2-6-1997 in the above O.A. and allow the O.A. No.949/1994 as prayed for and to pass such other relief or reliefs as this Honourable Tribunal may deem fit just and necessary in the circumstances of the case.

Solemnly affirmed and  
signed before me on this  
the 13<sup>th</sup> day of ~~Sept~~ July  
1997. at Hyderabad.

D. Gubyakantam  
DEPONENT.

Advocate / Hyderabad

for  
Advocate