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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 974/94.

Dt. of Decision : 31.10.94.

B. Nagabhushanam

.. Applicant.

Vs

1. Divl. Engineer, Gauge Conversion,
SC Rly, Tirupati - 515 506.
2. Dy. Chief Mechanical Engineer,
Carriage Repair Shop, SC Rly,
Tirupati-515 506, Chittoor Dist.
3. The General Manager,
SC Rly, Rail Nilayam,
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

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O.A.NO.974/94.

JUDGMENT

Dt: 31.10.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

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

2. The applicant is working as Khalasi under Depot Store Keeper in the Carriage Repair Shop, S.C. Railway, Tirupathi. The applicant along with some others was screened for transfer to technical category and he along with some others was selected for absorption in technical category by the proceedings dated 8.3.1991 (vide Annexure-I, Page-7 of the material papers). But as DAR case was pending against the applicant by then, it was stated in the memo dated 12.4.1991 (Annexure-2, Page-11 of the material papers) that the applicant herein, R.Subhan who is the applicant in OA 1172/91 and two others would be relieved after finalisation of the DAR case pending against them.

3. The DAR case against ~~xx~~ the applicant was over and by the order dated 28.8.1992, reduction of pay by two stages for one year was ordered by way of punishment and he had undergone that punishment by July 1993. When there was no response in regard to the representation dated 4.11.1993 requesting for his relief from Stores

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Section to/technical cadre, this OA was filed praying for declaration that the applicant is entitled to be relieved and ~~absorbed~~^{absorb} on 1.8.1993 and also for consequential promotional benefits by holding that the inaction of the respondents in relieving him is arbitrary, illegal and violative of Article 14 of the Constitution and to direct the respondents 1 and 2 to relieve him immediately and absorb him in technical ~~xxxx~~ category.

4. When the applicant in OA 1172/91 was not relieved due to the pendency of the disciplinary case against him, he filed the above OA and the same was disposed of by a Bench of this Tribunal by the order dated 28.12.1992 whereby the respondents were directed to relieve the applicant therein immediately so as to enable him to join the technical category giving liberty to the concerned authority to proceed with DAR case against him.

5. It is not even the case for the respondents that in view of the pendency of the disciplinary case, the candidates who were screened ~~and~~^{by} transferred to technical category would not be allowed to join that category in case punishment is going to be imposed in the DAR case. In fact even the memo dated 12.4.1991 makes it clear that the concerned will be relieved after the DAR case is finalised. In the case of the applicant, the DAR case was already over, and he had even undergone the punishment by the date this OA was filed. Hence, there is no bar for relieving the applicant by R1 ~~and R2~~ so as to enable him

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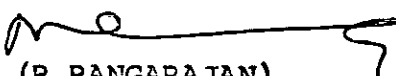
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to join the technical category as he was screened and selected as per the proceedings dated 8.3.1991 (Annexure-I).

6. The OM dated 8.3.1991 ^{shows} visualises that the applicant was given ranking of 42 out of ~~the~~ 50 who were selected for technical category. It is needless to say that the applicant's seniority in the unit to which he will be taken, will be on the basis of his ranking as per the proceeding dated 8.3.1991.

7. In the result, R-1 is directed to relieve the applicant so as to enable him to report to R-2 section for being absorbed there in pursuance of the OM dated 8.3.1991 (Annexure-I). The seniority of the applicant in R-2 section has to be on the basis of his ranking as per the above OM dated 8.3.1991.

8. The OA is ordered accordingly at the admission stage. No costs./


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 31st October, 1994.

Open court dictation. Deputy Registrar(J)CC

To

1. The Divisional Engineer, Gauge Conversion, S.C.Rly, Tirupati-506.
2. The Deputy Chief Mechanical Engineer, Carriage Repair Shop, SC Rly, Tirupati, 506, Chittoor Dist.
3. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
4. One copy to Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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c.c. by 7/11/94
7/11/94

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(ADMIN)

DATED: 31-10-1994.

ORDER/JUDGMENT:

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

in

O.A.No.

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.

Dvm

