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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

R.A. 1/96 in
C.A.367/94.

Dt.of Decision : 09-04-96.

Riaz Waheed Baig

: Petitioner/
Applicant No.2.

1. The Divl. Railway Manager,
SC Rly, Hyderabad Division,
Secunderabad.

2. The Sr.Divl.Mech.Engineer(MG),
SC Railway, Secunderabad.

: Respondents/
Respondents.

Counsel for the Petitioner/
Applicant No.2.

: Mr. P.Krishna Reddy

Counsel for the Respondents/
Respondents.

: Mr. D.F.Paul,
SC for Rlys.

CORAM:

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

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ORDER

I As per Hon'ble Shri R. Rangarajan, Member (Admn.) I

The second applicant in the OA (Shri Riaz Waheed Baig) filed this RA stating that he has not given any application for absorption in Diesel Shed, Moulali accepting the bottom seniority. The OA was dismissed on the basis that he had given option to come to Diesel Shed, Moulali accepting the bottom seniority. As he has not given such option there is an error in the fact of the judgement and hence it needs review submits the applicant in this RA.

2. The notification dated 31-3-92 was issued for volunteers to come to Diesel Shed, Moulali accepting the bottom seniority. On that basis 28 employees were sent to Diesel Shed, Moulali in terms of office order No. YP/652/Mech./Cadre/Hyd dated 31-03-1992. It has been mentioned in that letter that the employees were sent to Diesel Shed, Moulali on bottom seniority duly maintaining their interse seniority ^{in the} Diesel Shed amongst them. The name of the applicant herein in this RA finds place at Sl.No. 25 of the order dated 31-3-92. The name of the first applicant in the OA is at Sl.No. 16. At the time of hearing the learned standing counsel produced the option given by Shri C.Mohan Rao, first applicant in the OA. On that basis the OA was dismissed. Now the applicant in the RA states that he has not given any such option. By going through the letter dated 31-3-92 it is clearly seen that the transferees have to accept the bottom seniority on their transfer

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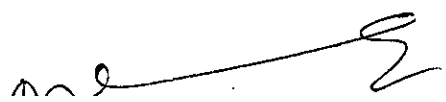
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to Moulali Shed. I have no doubt in my mind on the basis of the records now produced to come to the conclusion that the applicant in this RA had also given the necessary option to go to Moulali Shed accepting the bottom seniority.

In view of the above, I find no error in the judgement dated 2-8-95. Hence, the RA is dismissed as having no merit.

No costs.


(R. Rangarajan)
Member (Admn.)

Dated : The 9th April 1996.
(Dictated in open court)

Avi 16/4/96
D.R (3) 13510

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