

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

HYDERABAD

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RA 22/95 in OA 1254/94

Dt. 22-6-95

Between

Shri G.I.R. Murthy ... Petitioner/Applicant

and

1. Govt. of India  
Ministry of Railways  
rep. by its Secretary,  
New Delhi.
2. The General Manager,  
South Central Railway,  
Secunderabad and 3 others.
3. The Chief Personnel Officer,  
South Central Railway,  
Secunderabad.
4. The Divisional Railway Manager,  
South Central Railway, Broad Gauge,  
Secunderabad.

..... Respondents.

Counsel for the Applicant : Shri K. Sudhakar Reddy

Counsel for the Respondents : Shri C.V. Malla Reddy

Coram

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

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

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Dated 22.6.95

RA 22/95 in OA 1254/94

(36)

[ AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN ]

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J U D G E M E N T

Heard both the learned counsels.

2. The applicant in the OA filed this RA praying for reviewing the order dated 20-1-95 whereby this OA was disposed with certain directions.

3. The main points which are urged now for the applicant are:

1. Shri H.V.R. Bhanumurthy was an in-service candidate, when he was taken as a projectionist in an ex-cadre post and it was wrongly submitted during the OA that he was a direct recruit to the post of Projectionist and as the applicant is situated similar to Shri H.V.R. Bhanumurthy, he should be considered for promotion/posting as Welfare Inspector Gr. III when the ex-cadre post of Projectionist was abolished.

2. The Railway Board issued letter dated 6-8-90 contemplating creation of supernumerary posts in the same grade and suggested to the Zonal Railway to create avenue of promotion to the post of Projectionist. Hence the case of the applicant has to be considered to the post of Welfare Inspector.

4. The second contention which is now raised ~~is~~ <sup>considered</sup> already ~~raised~~ in para 1.3 of the order dated 20-1-95. Hence it is not open to the applicant to re-agitate on the same in the review application and hence there is no need to further advert to the said contention for consideration of this RA.

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5. When it was submitted that Shri H.V.R. Bhanumurthy was a direct recruit to the ex-cadre post of Projectionist, we observed that the applicant cannot claim the benefit of promotion as Welfare Inspector which was given to Shri H.V.R. Bhanumurthy for the applicant is not a direct recruit to the ex-cadre post of Projectionist.

6. Now it is submitted for the applicant that as Shri H.V.R. Bhanumurthy was also an in-service candidate by the time he was taken to the post of Projectionist and as he was posted as Welfare Inspector, the applicant also has to be given the same benefit.

7. The learned counsel for the applicant has not referred to any rule or instruction whereby the Projectionist in the ex-cadre post has to be considered for promotion to the post of Welfare Inspector or on abolition of the post of Projectionist in ex-cadre post, he has to be posted to the post of Welfare Inspector which is in the grade higher to the grade of the Projectionist. It is not open to the court/Tribunal to give a direction to the concerned authority to act de hors the rules or to give posting, when there are specific rules to that effect, <sup>Vide</sup> Supreme Court judgement reported in (1995) 29 ATC(120) (B. Rama Rao Vs. Government of Andhra Pradesh and Others) Thus even assuming that Shri H.V.R. Bhanumurthy was only a mechanic in the Railways by the time he was appointed as a Projectionist in ex-cadre post, the promotion/posting of Shri H.V.R. Bhanumurthy as Welfare Inspector in the absence of rules has to be held as irregular, we cannot direct the Respondents to commit the same irregularity in regard to the applicant.

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8. Thus there are no grounds for reviewing the order dated 20-1-95 and accordingly the RA is dismissed. No costs. /

  
(R. RANGARAJAN)  
Member (Admn.)

  
(V. NEELADRI RAO)  
Vice-Chairman

Dated the 22-6-95  
Open court dictation

  
Deputy Registrar(J)CC-

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To

1. The Secretary, Govt. of India,  
Ministry of Railways, New Delhi.
2. The General Manager, S.C.Rlys,  
Secunderabad.
3. The Chief Personnel Officer, S.C.Rly, Secunderabad.
4. The Divisional Railway Manager, S.C.Rly,  
Broad Gauge, Secunderabad.
5. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT. Hyd.
6. One copy to Mr. C. V. Malla Reddy, SC for Rlys, CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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