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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1516/94

date of decision : 20-12-94

Between

Abdul Azeem

: Applicant

and

1. Divisional Rly. Manager  
Personnel(BG) SC Rly  
Secunderabad

2. Chief Inspector of Works(EAST)  
Engg. Deptt., SC Rly.,  
Secunderabad

3. Sr. Divisional Engr.  
Co-Ordination BG  
SC Rly. Secunderabad

: Respondents

Counsel for the applicant : Ch. Samson Babu, Advocate

Counsel for the respondents : Francis D. Paul, SC for Rly.

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN. )

25  
[ AS PER HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.) ]

J U D G E M E N T

Heard Shri Ch. Shamson Babu, learned counsel for the applicant and also Shri D. Francis Paul, learned standing counsel for the Respondents.

2. The applicant joined as a casual C.M.R. Khalasi on 19-5-94 under Respondent-2. His services were regularised as Khalasi in 1989 and he was promoted as Khalasi Helper. He was called for Painter Gr. III trade test on 22-12-92. But the applicant could not attend the trade test as his mother was sick. In the meantime, <sup>five (5)</sup> 4 of his juniors promoted. who underwent trade test ~~and~~ were also. He represented for conducting trade test for him also and giving him promotion vis-a-vis his juniors. Accordingly, with retrospective effect from 22-11-93, the date on which his junior was promoted.

3. On his promotion as Painter Gr. III, he was posted to Madhira under I.O.W., Madhira duly transferring a post of Painter Skilled Gr. III from I.O.W. DKJ to I.O.W., Madhira vide order NO. 64 DRM/Engg/1994 dated 12-7-94. Thereafter, he requested <sup>his</sup> for retention at Secunderabad/Hyderabad in view of his family circumstances. He submitted representation dated 23-6-94. After that his mother also represented on 28-7-94 for his retention at Secunderabad/Hyderabad which was negatived by the Respondent-1 on 25-8-94. Assailing his transfer dated 12-7-94 he has filed this OA.

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4. It is stated for the applicant that 2 of his juniors are retained at Secunderabad/Hyderabad and he was asked to carry out his transfer to Madhira. He has a sickly mother whom he should look after and he has no one else to look after his family affairs and his transfer to Madhira at this juncture will cause irreparable loss to him.

5. The learned counsel for the respondents states that as there is no vacancy at present at Secunderabad/Hyderabad, he has been posted to Madhira and in case he wants to come back to Secunderabad/Hyderabad, he can apply for the further state that when the applicant's representation for posting to Secunderabad/Hyderabad is received, the same will be considered favourably and he will be posted to Secunderabad/Hyderabad in the next vacancy that arises in Secunderabad/Hyderabad area.

6. Under the above circumstances, the only accommodating the applicant in Secunderabad/Hyderabad area in the appropriate seniority unit if there is a vacancy for Painter Gr.III now and none else had registered for transfer to Secunderabad/Hyderabad area earlier to him.


In case he cannot be posted to Secunderabad/Hyderabad now or to consider his case for transfer in the first vacancy that arises in future after he

should be considered.

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7. With the above direction, the OA is ordered at the admission stage itself. No costs.



(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated: 20th December, 1994.

  
21/12/94  
Deputy Registrar(J)CC

NS/vsn

To

1. The Divisional Railway Manager.  
Personnel( BG) S.C.Rly, Secunderabad.
2. The Chief Inspector of Works (EAST)  
Engineering Dept., S.C.Rly, Secunderabad.
3. The Senior Divisional Engineer,
4. One copy to Mr.Ch.Samson Babu, Advocate, R.no. 23, 4th floor  
Unity House, Abids, Hyderabad.
5. One copy to Mr.Francis D.Paul, SC for Rlys, CAT.Hyd.
7. One spare copy.

pvm



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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. J. S. ... VICE-CHAIRMAN

AND

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

DATED: 20-12-1994

ORDER/JUDGMENT:

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

in

O.A.No.

T.A.No.

1516/1

(w.p.)

Admitted and Interim directions  
issued.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Ordered/Rejected

No order as to costs.

pvm

*no spare copy*

