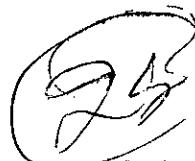


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD



O.A. 427/94.

Dt. of Decision : 31.10.94.

R. Kanakaiah

.. Applicant.

Vs

1. The Union of India,  
Rep. by the General Manager,  
SC Rly, Rail Nilayam, Secunderabad.
2. The Divl. Railway Manager (BG)  
Secunderabad Division,  
SC Rly, Sanchalan Bhavan,  
Secunderabad.
3. The Sr. Divisional Mechanical  
Engineer, SC Rly, Secunderabad Division,  
Sanchalan Bhavan, Secunderabad.
4. SV. Narayan Rao .. Respondents.

Counsel for the Applicant : Mr. V.Durga Prasad Rao

Counsel for the Respondents : Mr. N.V.Ramana, Addl. CGSC  
for R-1 to 3.  
Mr. P.Naveen Rao for R-4.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

¶ As per Hon'ble Shri A.V.Haridasan, Member (Judl.)

The grievance of the applicant is that while he belongs to SC, the department wrongly promoted the 4th respondent to the post of Chief Train Examiner on a reserved post taking that the 4th respondent is a member of Schedule caste community. The applicant's complaint against this action did not evince any response and therefore the applicant had filed this application for a declaration that the action of the respondents in promoting the 4th respondent to the reserved post of Train Examiner ignoring his legitimate claim for promotion is illegal and unsustainable and for a direction to the respondents that it should be deemed that the applicant was promoted to the post of Chief Train Examiner w.e.f. on which the 4th respondent was appointed with consequential benefits.

2. The applicant has since been retired from service in May 1994. The respondents in their reply have stated that action is being taken to determine whether the 4th respondent really belongs to Schedule Caste or not on the basis of the complaint made by the applicant. Since the applicant has already been retired the respondents are directed to complete the investigation in the matter and to take a final decision within a period of 4 months from the date of communication of this order. If after such investigation the respondents are satisfied that the 4th respondent does not belong to SC community they are directed to consider the promotion of the applicant on a national basis w.e.f. the date the 4th respondent was promoted and to extend him the consequential benefits if any in accordance with law. OA is disposed of without an order as to costs.

(A.B.GORTHI)

Member (Admn.)

SD

(A.V.HARIDASAN)

Member (Judl.)

Dr. Regan

cmh-2

Copy to:-

1. General Manager, South Central Railway, Railnilayam, Union of India, Secunderabad.
2. The Divl. Railway Manager(BG), Secunderabad Division, S.C.Railway, Sanchalan Bhavan, Secunderabad.
3. The Sr. Divisional Mechanical Engineer, S.C.Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad.
4. One copy to Sri. V.Durga Prasad Rao, Advocate, 11-3-292/36, opp. Sai public school, Srinivasa Nagar, Near Namala Gundu, Secunderabad-361.
5. One copy to Sri. N.V.Ramana, Addl. CGSC for R-1 to R-3, CAT, Hyd.
6. One copy to Mr. Navneet Ran for R-4, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

OA-427/94

Typed by  
Checked by

Computed by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER (B)

AND

✓ THE HON'BLE MR.A.S.GORTHI : MEMBER (A)

DATED: 31/10/94

ORDER/JUDGMENT.

~~M.A.R.P.C.P.NO.~~

O.A.NO. 427/94 <sup>int.</sup>

T.A.NO.

Admitted and Interim Directions issued.

Allowed.

✓ Disposed of with Direction.

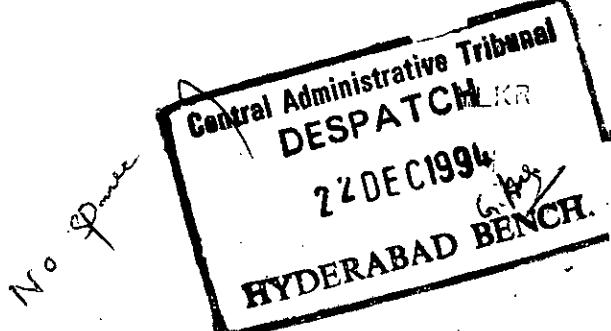
Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.



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