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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.516/94

Date of Order: 4.3.97

BETWEEN:

V.Kameswara Rao

.. Applicant.

AND

1. Dy.Chief Mechanical Engineer,
Wagon Workshop, S.C.Railway.
Guntupalli.
2. Divisional Railway Manager,
S.C.Rly., Guntakal.
3. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

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CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.G.V.Subba Rao, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

2. The applicant was transferred as Head Clerk from the Guntupalli Work Shop, S.C.Railway to Hubli Division and from there he was transferred to Guntakal Division along with the post. The applicant submits that his seniority unit is not known and hence he was not considered for promotion in any of these units either in Guntupalli unit or in Hubli division or in Guntakal division.

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3. This OA was filed praying for a direction to the respondents to assign him correct seniority in the cadre of Head Clerks of Guntakal division taking into account the length of service of the applicant in the cadre of Head Clerk and promote him in the grade of Office Superintendent in the pay scale of Rs.1600-2660 from the date of his immediate junior was promoted as Office Superintendent Gr-II with all consequential benefits such as arrears of salary, etc., or in the alternative transfer him back to Wagon Workshop, Guntupalli where his lien is continued to be maintained and give him due promotion to Office Superintendent Gr-II from the date of promotion of his juniors as Office Superintendent Gr-II in that unit.

4. An interim ^{direction} order was given in MA.923/94 in this OA dt. 23.2.95. By that order the respondents were directed that if any promotion is going to be made to the post of Office Superintendent Gr-II in Guntakal division the same will be subject to the result in this OA. However in MA.235/95 in this OA dt. 15.3.95, R-2 was directed to permit the applicant to appear for the examination of Chief Clerk Gr-II scheduled to be held on 25.3.95 or any other postponed date if it is going to be postponed for consideration to that post and if he is selected reckoning his services as Head Clerk from the date his services in the said post was regularised in the Workshop at Guntupalli, but the appointment to the post of OS Gr-II shall not be given to the applicant without the permission from this Bench.

5. It is stated that the applicant had appeared for the selection of OS Gr-II Guntakal division in pursuance of the direction dt. 15.3.95. In MA.514/95 in this OA it was further directed that "if any vacancy in the post of OS Gr-II is kept unfilled in view of the interim order dt. 15.3.95 in MA.237/95, the applicant has to be promoted as OS Gr-II in the said vacancy and the said promotion will be subject to the result in this OA.

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In case the applicant succeeds in the OA, the other reliefs claimed in this MA will be considered in the OA". By memo No.P.EST/535/Vol.IV, dt. 15.6.95 (Annexure R-II to the counter) the respondents admit that the applicant has been absorbed in Guntakal division as a permanent measure in the post of Head Clerk in the scale of Rs.1400-2300 and the post which was transferred from Hubli division is retransferred back to Guntupalli Unit. In view of the above submission of the respondents it is very clear that the applicant is belonging to the Head Clerk unit of Guntakal division and his seniority as Head Clerk is to be fixed on the basis of his entry as Head Clerk in Guntupalli Division. If the applicant is successful in the examination held for the post of OS Gr-II in Guntakal division in pursuance of the direction given in MA.237/95 dt. 15.3.95 then the applicant is to be promoted to the post of OS Gr-II on par with his junior in the panel which was published in pursuance of the examination conducted as given in the MA referred to above.

6. The applicant should be promoted and his pay has to be refixed on par with his junior in the panel if he fulfills all the other conditions. The applicant is entitled for arrears of pay fixation if any on that basis. If the applicant was not promoted even on adhoc basis at Guntakal division earlier to his junior in Guntakal division then he may file a representation for refixation of pay on the basis of adhoc promotion given to his juniors in Guntakal division to the respondents. That representation is to be disposed of by the respondents after pursuing the reasons in accordance with extant rules.

7. The OA is disposed of as above. No costs.

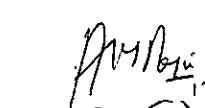

(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

413(7) Dated: 4th March, 1997

(Dictated in Open Court)

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O.A. NO.516/94

Copy to:

1. Dy.Chief Mechanical Engineer, Wagon Work Shop,
South Central Railway, Guntupalli.
2. Divisional Railway Manager, South Central Railway,
3. Chief Personnel Officer, South Central Railway,
Railnilayam, Secunderabad.
4. One copy to Mr.G.V.Subba Rao, Advocate, CAT,Hyderabad,
5. One copy to Mr.C.V.Malla Reddy, Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A), CAT,Hyderabad.
7. One duplicate copy.

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9/3/97

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 4/3/97

ORDER/JUDGEMENT

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

O.A.No. 516/94 in

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

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where is the approval
2 Mar 97

केन्द्रीय प्रशासनिक न्यायालय Central Administrative Tribunal प्रधान/DEPT. TCH 24 MAR 1997 हैदराबाद न्यायालय HYDERABAD BENCH
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