

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DVA. 690/94.

Dt. of Decision : 16.6.94.

1. C. ^hamumant ^hu

2. Y. ^hasappa

.. Applicants.

Vs

1. Sr. Divisional Personnel Officer,
SC Rly, Guntakal-515 801.

2. Sr. Divisional Commercial Manager,
SC Rly, Guntakal - 515 801.

3. Chief Personnel Officer,
SC Rly, Rail Nilayam,
Sec'bad.

.. Respondents.

Counsel for the Applicants : Mr. G.V. Subba Rao

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SRI JUSTICE V. NEELAORI RAO : VICE CHAIRMAN

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

26

O.A.NO.690/94.

JUDGMENT

Dt: 16.6.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.V.Subba Rao, learned counsel for the applicants and Shri N.R.Devaraj, learned counsel for the respondents.

2. This OA was filed praying for quashing the order dated 1.4.1994 (Vide Annexure-I) by declaring it as arbitrary and unconstitutional and for consequential direction to the respondents to conduct selection according to the procedure hitherto followed by giving the applicants an opportunity to be considered for the post of Corridor Coach Attendant (CCA).

3. The employees in the Commercial Group-D, Commercial Catering and Operating Group-D are eligible for promotion to the posts of CCAs. When four vacancies had arisen and when it was necessary to fill the vacancies between the ratio of 60% and 40% as among Commercial Department and Operating Department respectively, two vacancies were allocated to the former and two vacancies were allocated to the latter by rounding off the fractions. Again, from out of two vacancies from the Commercial Department, one was allocated to Commercial Group-D, while the other was allocated to the Commercial Catering. A notification dated 7.7.1993 requiring the employees of the above departments who completed not less than two years of service and who possessed a minimum qualification of pass in IVth Standard Form or 9th Standard, to

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was issued. submit applications by 3.8.1993, After the verification of those applications, a list of those who are eligible was prepared and they were asked to appear for the interview on the dates mentioned in Annexure-3. Later ~~some~~ the same was cancelled even before the scheduled dates of interview and only 12 employees referred to in Annexure-I were called for interview to be held on 9.4.1994 which is said to have been postponed to 17.6.1994.

4. While cancelling the list as per Annexure-3, it was stated that as per the recruitment rules, only thrice the number of vacancies should be called for interview and as all eligible candidates were called for interview as per Annexure-3, the same was cancelled. It is not the contention for the applicants that the recruitment rules does not envisage that the number of candidates to be called for interview should be limited to thrice the number of vacancies.

5. The applicants come under the Commercial Group-D. Annexure-I discloses that M/s D.Anjaneyulu, Swamidoss and B.Hanumanna of the Commercial Group-D were called for interview. They are admittedly seniors to the applicants. When only one vacancy was allocated to Commercial Group-D, three were called. Any how, rankings of the applicants in the seniority list of that category are 43 and 47. Hence, they are not within the zone of consideration.

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6. The next contention for the applicants is that candidates called for interview as per Annexure-I are not having the minimum educational qualification of pass in IVth Form or 9th Standard; but the same is denied for the respondents. In regard to the names of ~~all the three in Commercial Group-D in Annexure-I, they are~~ shown at S.Nos.1 to 3 in Annexure-3 dated 23.3.1994, ie., the earlier eligibility list that was prepared. Hence, there is nothing to doubt the veracity of words or submissions for the respondents that they too are having the minimum educational qualification of pass in IVth Form or 9th Standard.

7. It is next ~~urged~~ urged for the applicants that ^{dated} the ~~integrity~~ seniority ^{list} of the eligible employees in Commercial Group-D, Commercial Catering and Operating Group-D has to be ^{dated} prepared for consideration for promotion to the post of CCA. When operating Group-D is separate from Commercial which is evident even from Annexure-5 wherein proportion is referred to as 40% and 60%, distinct identity has to be maintained in regard to the two departments even for consideration for promotion to the post of CCA and hence ~~they~~ cannot be any ^{dated} ~~integrity~~ seniority ^{list} of those working in Operating and Commercial Departments for consideration for promotion to the post of CCA.

8. It is stated that there is a separate avenue of promotion for Commercial Group-D. As ~~it~~ is a case of Commercial Department comprising of Commercial Group-D and Commercial Catering, vacancies for Commercial are



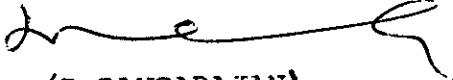
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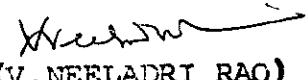
(G3)

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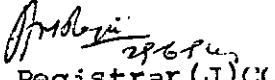
-ly equal distributed to those two sub-categories. Any how, when it is stated for the respondents that vacancies for Commercial are equally allocated to Commercial Group-D and Commercial Catering all along and when the same is now followed, it cannot be stated that there should be integration of those two sub sections ie., Commercial Group-D and Commercial Catering for consideration for promotion to the post of CCA.

9. Thus, there are no merits in this OA and accordingly it is dismissed even at the admission stage. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 16th June, 1994.
Open court dictation.


Deputy Registrar (J) CC

To
1. The Sr. Divisional Personnel Officer,
S.C.Rly, Guntakal-801.
vsn
2. The Sr. Divisional Commercial Manager, S.C.Rly, Guntakal-801.
3. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad.
4. One copy to Mr. G. V. Subba Rao, Advocate, CAT.Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

05/06/94
Recd 23/6/94

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

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

AND

RAJ KEDDY
MEMBER (JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 16-6-1994.

ORDER/JUDGMENT:

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

in

O.A. No. 690/94

T.A. No.

(W.P.)

Admitted and Interim Directions
Issued

Allowed

Dismissed.

Dismissed for want of notice. Note the petition

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

23/6/94

