

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.724/94

DATE OF ORDER : 12-03-1997.

Between :-

1. K.Jagannaikulu
2. M.Ganapathi Rao

... Applicants

And

1. Divisional Railway Manager,
South Eastern Railway,

... Respondents

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Counsel for the Applicants : Shri P.B.Vijay Kumar

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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...2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Shri V.Durga Rao for Shri P.B.Vijay Kumar, learned counsel for the applicants and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. There are 2 applicants in this O.A. This O.A. is filed by them challenging the procedure adopted for the post of Driver Grade -III and for a further direction to the respondents to conduct fresh trade test according to the procedure contemplated with fairness and with objectivity. The 2 applicants in this OA were engaged in the Construction Department on 2-12-80 and they were further given the grade of Helper and it is stated that they were regularised with effect from 1.1.89 in Construction side. Thereafter they continued in the Construction Department in that capacity. It is also stated that they were engaged as adhoc Drivers subsequently based on their number of days of service they were regularised ~~in open line~~. as Khalasis in Group-D category during 1993. They were called ~~in open line~~ for the trade test for the post of Driver Grade III held on 15-4-94 and 16-4-94. Both the applicants failed in the trade test as revealed by the record of the trade test produced before us (Record was perused and returned back). It is stated that a copy of the trade test results was also given to the other side. Applicants have nothing to add further on that. The main plea of the applicants is that they ~~are~~ ^{were} working as Driver for a long time in Construction Organisation and hence failing them in the trade test for the post of Driver Gr.III is irregular and

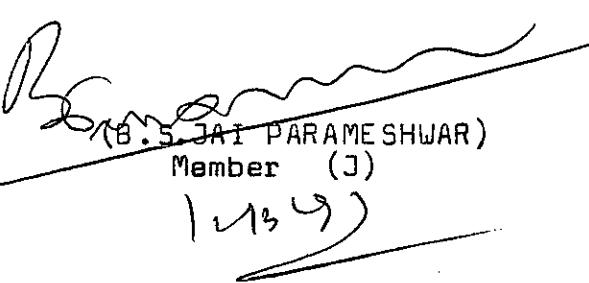


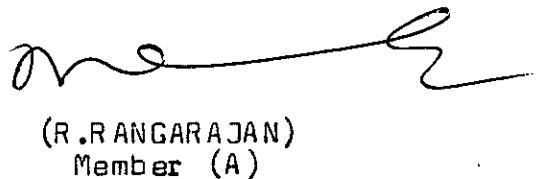


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erroneous and hence a fresh test has to be conducted. From the record of the trade test we find that the trade test conducted is not only to adjudge suitability in Driving but also some other aspects such as identification of spare parts etc., and also ^{for all requirements} knowledge of observing traffic Signals. ~~All these suitabilities~~ having been tested, the authorities had come to the conclusion ^{etc} that both the applicants are not competent/fit/promoted to the post of Driver Gr.III. The case was heard at length and the ^{argued} ~~submitted the case on the~~ basis of the records as well as on the basis of the instructions given to him. After hearing the case quite some time, the learned counsel for the applicant submitted that he may be permitted to withdraw this case but their cases may be considered ^{when a vacancy arises in Gr.III driver cadre} favourably at the next time, taking into account their long ~~experience~~ also of the opinion that the applicants may be permitted to withdraw this O.A.. However, the respondents shall consider their ^{in future} case for promotion to Driver Gr.III, taking due note of their experience as Drivers in the construction organisation.

3. With the above observations, the O.A. is disposed of as withdrawn. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
(1/13/97)


(R.R. RANGARAJAN)
Member (A)

Dated: 12th March, 1997.
dictated in open court.


D.R. (J)

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23/4/93

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL

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

AND

THE HON'BLE SHRI B.S. JAI PARAMEHJIJI R.
M(J)

DATED: 12/3/87

ORDER/JUDGEMENT

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

D.A. NO. 724/94 ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

ORDERED/REJECTED

NO BROTH AS TO COSTS.

II COURT

YIKI

