

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD

CP.138/2000
in MA.831/99 in
O.A.1498/95

dt. 8-2-2001

Between

1. J. Murali Rao
2. S. Abdul Kalam
3. S. Abdul Rasheed
4. C. Noor Basha
5. Hasan Saheb, and
6. Shaik Mohaboob Basha

: Applicants

and

1. Union of India, rep. by the
Secretary to Govt.
Railway Board, M/o Railways
New Delhi

2. General Manager, SC Rly.,
Railnilayam, Secunderabad

3. Chief Comml. Manager
SC Rly., Railnilayam
Secunderabad

4. Divnl. Rly. Manager
Guntakal Divn., SC Rly.
Guntakal

: Respondents

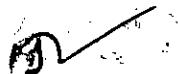
Counsel for the applicants : N. Ramamohan Rao
Advocate

Counsel for the respondents : N.R. Devaraj,
SC for Railways

Coram

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

Hon. Mr. M.V. Natarajan, Member (Admn.)



Order

Oral order (per Hon. Mr. M.V. Natarajan, Member (Admn)

Heard the learned counsels on either sides.

2. According to the counsel for the applicant the addresses of the six applicants covered by OA.1498/95 are recorded in the LTI register and that register itself contains the last known addresses of the individuals and the appropriate course of action for the Department would be to issue notice to the last known address.

3. He brought to the notice of the Court that the order issued by the Tribunal in MA.831/99 should have been complied with within the time frame stipulated therein, which has not been done. According to the counsel scant regard has been shown for implementation of the decision given by the Tribunal.

4. The learned counsel for the respondents on the other hand, however, pleaded that the Department LTI No. Register maintained by the Respondents does not disclose the address particulars of the applicants in OA.1498/95 and that in the MA that had been filed the address particulars furnished by the learned counsel for the applicant, all of them are working in piece-rate labour in the Transhipment, Guntakal, Anantapur. Since the Department was not ~~not~~ in possession of the address particulars, notice was pasted on the notice-board of the said Railway station.

5. The learned counsel for the respondents submits that if the address particulars of these six applicants are made available by the counsel for the applicants the Department will be in a position to issue orders after screening them within 5 working days, affirmative or negative, their position vis-a-vis the orders contained in

the SLP.No.4259/99.

6. After hearing the learned counsel on either sides the learned counsel for the respondents produced before us copy of the notice issued to the notice board by the office, Divisional/Personnel Branch, Guntakal bearing No.G/P.564/2/Comml.prw/Vol.II dated 1-2-2000.

7. It is seen from this notice that :

"the Subject has been thoroughly examined by the competent authority and it has been concluded that the applicants herein are not similarly placed to that of the 185 petitioners in SLP.4259/99. Hence, the applicants are not eligible for screening.

1. J. Murali Rao, s/o Siddoji Rao,
2. S. Abdul Kalam, s/o S. Khaja Hussain,
3. S. Abddl Rasheed, s/o S.A. Rasool
4. C. Noor Basha, s/o C. Khajamoinuddin
5. Hason Saheb, s/o C. Khajamoinuddin, and
6. Shaik Mohaboob Basha, s/o S. Rahamthu Mia."

8. Accordingly, the notice issued by the department was prior to filing of the CP.138/2000 on 18-10-2000. This MA had been preceded by order in OA.1498/95 dated 28-2-97. A simple reporting of the factual position had been admitted when MA.831/99 came up for hearing on 11.2.2000. It was specified in the order in MA.831/99 dated 11.2.2000 that the order is a non-speaking order and does not say ~~again~~ ^{again to} how the applicants are not similarly placed as ~~of~~ 185 applicants in the SLP.4259/99, and even on 2-2-2001 when the MA was posted the order dated 1-2-2000 was not produced before the Court. The Tribunal came to the conclusion that "the respondents have not acted judiciously in this connection".

9. Heard the Senior Divisional Commercial Manager, who is not directly concerned with the implementation of the

orders issued. He submitted that the person concerned who had to be impleaded is the Senior Divisional Personnel Officer.

10. Instead of allowing the issue to remain in the manner in which it is remaining, we order the following course of action:

i) The Bench had come to the conclusion at the time when the MA .831/99 dated 11.2.2000 that the order issued in the notice was not a speaking order. Accordingly, we order that after examining the Supreme Court decision referred to and the ~~the~~ six applicants who are covered by the OA.1498/95, a speaking order communicating their status vis-a-vis the SLP referred to will be issued by the Senior Divisional Personnel Officer within a period of 3 days from the date of receipt of this order specifying therein the address particulars of the applicants in CP.138/2000 and cause it to be served on the learned counsel for the applicants through the learned counsel for the respondents.

ii) Within the period of 15 days from the date of receipt of this order the learned counsel for the respondents will file his reply to the CP indicating therein confirmation of action taken on this direction.

11. The CP is closed. No costs.

12. This very CP eventhough ordered to be closed will be posted for hearing on 22-2-2001, when the officer who has appeared before us today need not be present.

~~M. V. Natarajan~~
(M. V. Natarajan)
Member (Admn.)

~~B. S. Jai Parameshwar~~
Member (Judl)

Dated : 8 February 2001
Dictated in Open Court

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