

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.1302/95.

Dt. of Decision; 24-4-98.

U.Subba Rao

.. Applicant.

Vs

- 1. The General Manager,
SC Rly, Rail Nilayam,
Sec'bad.
- 2. The Dy. Chief Engineer,
Guage Conversion,
SC Rly, Vijayawada.
- 3. The Sr.Divl. Engineer,
Co-ordination, SC Rly,
Vijayawada.
- 4. The Sr.Divl.Personnel Officer,
SC Rly, Vijayawada.

.. Respondents.

Counsel for the applicant : Mr.M.Lakshmana Murthy

Counsel for the respondents : Mr.K.Siva Reddy, SC For Rlys.

CORAM:

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

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

ORDER

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

Heard Mr.S.Ramakrishna Rao for Mr.M. Lakshmana Murthy learned counsel for the applicant and Mr.K.Siva Reddy, learned counsel for the respondents.

2. The applicant in this OA while working as Gangman responded for ^{Consideration for} promotion to the post of P.W.Maistries when a letter for the selection for the post of P.W.Maistries was issued bearing No.B/P.535/VII/3P.Way Maistry/Vol.IV (P) dated 7-2-92. He was empanelled for the post of P.W.Maistry by order No.P/W/349/IV/DTS/RJY/Staff dated 11-5-93 (Annexure-VI). His name is the last one at Sl.No.28. His designation is shown as adhoc Gangmate in that panel. The applicant was sent for training but he was called back from the training on the ground that he did not possess the minimum qualifications required for empanelling him for the post of P.W.Maistry.

3. This OA is filed to promote the applicant as P.W.Maistry in the scale of Rs.1400-2300/- from 17-5-93 the date on which training course for the Permanent Way Maistries commenced and for consequential benefits, thereof.

4. A reply has been filed in this OA. It has been stated in the reply that the applicant ^{did} does not possess minimum qualification required for consideration for the post of P.W.Maistries. As per the circular No.B/P.535/VII/3/DTM/Vol.IV(P) dated 3-7-92 (Annexure-II) the volunteers with 8th standard qualification and 10 years regular service (both minimum) are eligible. In case the candidates with the above qualifications are not available in sufficient numbers, then others shall be considered, on volunteer basis. The respondents submit that this ruling had undergone

Te

change subsequently by the letter of the CPO No.P/E/535/PWM/Cl.IV/Vol.II dated 3-8-92. As per this letter the minimum service qualification mentioned as 10 years of service including temporary status as casual labourer but with minimum 5 years regular service as Gangman/Gangmate etc. NO further relaxation of service ~~xxxxxxxx~~ eligibility is agreed. Relying on this letter the learned counsel for the respondents submit that the applicant had not put in minimum 5 years of regular service even as a Gangman. He is only an adhoc Gangman. He came on request transfer from the post of Electrical Helper Khalasi to the post of Gangman at his request. The details of his service has been given in page-4 of the reply. As per the details given he joined as Gangman on request transfer under PWI/N/BZA on 17-9-87 in the scale of pay of Rs.775-1025 (RSRP) He was further promoted as adhoc Gangmate on 11-90. Hence he did not possess the minimum service qualification of 5 years for consideration for the post of P.W.Maistry submits the learned counsel for the respondents .

5. Adhoc posting arises only if there is a promotional post which could not be filled up due to non-availability of candidates. The post of Gangman is the basic category from which only promotion to the higher grade takes place. The applicant joined as Gangman on 17-9-87. Hence the question of showing him adhoc Gangman in our opinion does not arise. When he is posted as a Gangman he had been posted against the vacant post in a regular capacity. It is stated that even to-day he is an adhoc Gangman. This appears to be a statement without any proper adherence of rules. A Gangman joined in 1987 cannot be a adhoc Gangman for 11 years. Number of screening ^{low} ~~are~~ taken place in 1987 and after and they were shown as regular. Hence this statement is rejected.

6. It is stated that the applicant was promoted as adhoc Gangmate w.e.f., 1-1-90. It is not understood under what rule an adhoc Gangman can be promoted as adhoc Gangmate. As per railway rules no two adhoc promotions can be given. Hence treating him as

R

1


9. ^{he} The applicant if he has not underwent training so far, now should be sent for the training for the post of P.W.Maistry and posted as P.W.Maistry if he ^{is successful} succeeds in the training in accordance with the rules. If he is posted as P.W.Maistry his pay should be fixed from the date of his assumption of his office as P.W.Maistry. However his seniority has to be regulated in accordance with the panel dated 11-5-93.

10. Time for compliance is four months from the date of receipt of a copy of this judgement.

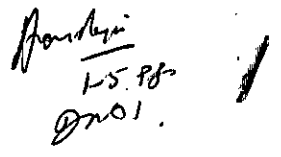
11. With the above direction the CA is disposed of.

No costs.


 (B.S. JAI PARAMESHWAR)
 MEMBER (JUDG.)
 24/4/98


 (R. RANGARAJAN)
 MEMBER (ADMN.)

Dated : The 24th April, 1998.
 (Dictated in the open court)


 1-5-98
 DNOI

spr

OA.1302/95

Copy to:-

1. The General Manager, SC Rly, Rail Nilayam, Secunderabad.
2. The Dy. Chief Engineer, Gauge Conversion, SC Rly, Vijayawada.
3. The Sr. Divl. Engineer, Co-ordination, SC Rly, Vijayawada.
4. The Sr. Divl. Personnel Officer, SC Rly, Vijayawada.
5. One copy to Mr. M. Lakshmana Murthy, Advocate, CAT., Hyd.
6. One copy to Mr. K. Siva Reddy, SC for Rlys, CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

SRR

g/s/ab

8

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN 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: 24/4/98

~~ORDER/JUDGMENT~~

~~M.A/R.A/G.P.NO.~~

in

O.A.NO. 1302/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH
19 MAY 1998
Despatch
विभाग