

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1309/95

DATE OF ORDER : 23-04-1998

Between :-

1. B.Koteswara Rao
2. S.Bhoopal

... Applicants

And

1. Chief Medical Director,
Rail Nilayam, Sec'bad.
2. Chief Personnel Officer,
SC Rlys, Rail Nilayam,
Sec'bad.
3. Union of India,
rep. by Secretary,
Railway Board, Rail Bhavan,
New Delhi.
4. I.Brahmaiah,
Office Superintendent/Gr.II,
SC Rlys, Guntakal.

... Respondents

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

Counsel for the Respondents : Shri N.R.Devaraj, S^W 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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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri Yathi Rajulu for Sri G.V.Subba rao, counsel for the applicants and Sri N.R.Devaraj, standing counsel for the respondents.

2. The case was heard number of times earlier. When this case came up for hearing today, standing counsel for the respondents produced the seniority list of Head Clerks of the Medical Department as directed earlier. A provisional seniority list of Head Clerks was produced today by the respondents. That means that the respondents did not have any proper/final seniority list till now. Further we find that the name of the first applicant i.e. Sri B.Koteswara Rao did not figure in that list. There is ~~one~~ Sri V.Koteswara Rao in the list. But the first applicant's name is shown as B.Koteswara Rao in the cause title. Hence we are not sure whether the applicant No.1 i.e. Sri B.Koteswar Rao and Sri V.Koteswara Rao are same as the name of the first appplicant i.e. B.Koteswara Rao is not available in the seniority list. Counsel for the applicant submits that he will correct the petition suitably. We are not inclined to permit the applicant to correct the cause title as this OA was filed in 1995 and hence correction in the OA now and then hearing it will only prolong the agony. Hence we rejected it. We also find in the O.A. that the applicants are relying on some supreme court judgement to sustain their contentions. But the details of the Apex Court judgements are not spelt out. Merely stating that some Apex Court judgement is relied is not sufficient to sustain the case. Hence the applicants are

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permitted to file a fresh OA for the same relief fully covering all the points quoting proper judgement of the Apex Court. However, the period from 30-10-95 to 23-4-98 will not be counted for the purpose of limitation if such a plea is taken by the respondents.

3. We find right from the beginning that the reply filed by the respondents is not only insufficient but lacks any adequate coverage by rules to explain their contentions. We are unhappy with the reply filed in this OA. We have informed the standing counsel for the respondents in regard to the various deficiencies in the reply and such types of replies will not be accepted in future. The respondents may note this caution to avoid such mistakes in future.

4. This OA is disposed of as withdrawn with liberty to file a fresh O.A. as observed above. No order as to costs.

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

R.RANGARAJAN
(R.RANGARAJAN)
Member (A)

~~RECORDED~~
Dictated in Open Court.

Amby
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DA No 1309/95

Copy to:-

1. The Chief Medical Director, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. The Secretary, Railway Board, Rail Bhavan, New Delhi.
4. One copy to Mr. G.V. Subba Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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15/5/98
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II COURT

TYPED BY
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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: 23/4/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in
O.A. NO. 1309/95

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 अधिकारण
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

= 4 MAY 1998

Despatch

RECEIVED

विभाग/फाल सेक्शन