

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1634/95

DATE OF ORDER : 8-6-1998

BETWEEN :

- | | |
|-----|-----------------------|
| 1. | S. Suryanarayana |
| 2. | R.R. Narsinga Rao |
| 3. | A. Saranga Pani |
| 4. | J. Nagaraju |
| 5. | K. Koteshwar Rao |
| 6. | P. Venkateshwar Rao |
| 7. | K. Shyam Sunder Reddy |
| 8. | G. Yadagiri |
| 9. | G. Venkat Swamy |
| 10. | S. Satyanarayana |
| 11. | S. Mahender |
| | ... Applicants |

AND

1. The Divisional Railway Manager
(Personnel Branch) Vth Floor
Sanchar Bhavan
Secunderabad.
 2. The Chief Project Manager, (R.E.),
Vijayawada

Counsel for the Applicants : Shri CH Jagannatha Rao
Counsel for the Respondents : Shri V. Rajeshwara Rao

Coram:

The Hon'ble Shri R. Ranarajan : Member (A)

The Hon'ble Shri B. S. Jai Parameshwar : Member (J)

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

Heard Shri K. Venkateshwara Rao for Shri CH Jagannatha Rao for the Applicants and Shri V. Rajeshwara Rao for the Respondents.

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There are 11 Applicants in this OA. They are all working under the Railway Electrification Project under R-2. R-1 issued a notification No. CR/364/P/7/47/Vol.III dated 11-8-1995, inviting applications ~~for~~ ^{from} volunteers from serving Group 'D' staff and C.M.R.S of all departments for filling up Group 'D' vacancies to the extent required in the Diesel Loco Sheds in various Divisions. It is stated that the applications of the applicants herein were transmitted to R-1 by R-2 for consideration of the cases for absorption as Group 'D' staff in Diesel Loco Sheds. But their cases were rejected. Hence, this application is filed praying for a declaration that the applicants are entitled for absorption into Group 'D' vacancies under the control of Respondents with all consequential benefits such as, seniority, promotion, arrears of pay by holding the ~~action~~ of the Respondents in not calling the applicants for screening test on par with others pursuant to the proceedings No. 252/KSRE/3080/Screening/No1.I dated 23-8-1995 of R-2 is illegal, bad and arbitrary and violative of Article 14 and 16 of the Constitution.

A reply has been filed in this OA. The Respondents submit that there are four diesel sheds. There is one diesel shed at Vijayawada (on Vijayawada Division), two diesel sheds, namely, Guntakal, Gooty (on Guntakal Division) and one diesel shed in Moula Ali (on Hyderabad Division). The notification for filling up the Group 'D' posts in the Diesel Sheds was issued to consider the ~~working in~~ ^{staff} a particular Diesel Shed in the respective Division. The Applicants in this OA are not working either as a Group 'D' staff or C.R.M.S staff in any of the Diesel Sheds in the Divisions mentioned above. They are Group 'D' staff under R-2 i.e., Electrification Project and hence they can have no claim for posting in Group 'D' post in the Diesel Shed either in Secunderabad Division or Vijayawada

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or Guntakal Division, though their applications were forwarded by R-2 for consideration for posting them in Group 'D' posts in Diesel Sheds, those applications were rejected for reasons stated above.

The Learned Counsel for the Applicants submits that even in the reply there is no mention that the Group 'D' staff or C.R.M.S staff working in the Diesel Sheds will only be considered for posting in Group 'D' posts as per notification dated 8-8-1995 and 24-8-1995. Hence, the applicants are entitled for consideration for Group 'D' posts in the Diesel Sheds and hence rejection of their case is arbitrary and unilateral.

The reply is very clear. The very fact that the applicants are Group 'D' staff of the Electrification Project, they cannot be considered as having any right for consideration for Group 'D' post in the Diesel Sheds. If they are also considered then the Group 'D' staff or C.R.M.S staff attached to the Diesel Shed may not get that post thereby they will be put to disadvantage. Similarly, if the Group 'D' staff of Diesel Shed is considered for absorption for Group 'D' posts in the posts created by the Electrification Department then the applicants will be put to disadvantage and in that case there is no doubt that the applicants will resist such a move. ^{we} ~~Hen~~ we do not find any irregularity in not screening the applicants for absorption in Group 'D' posts in Diesel Sheds even though their applications were forwarded by R-2 to R-1. In that view, we find that the applicants had ^{ve} not made out any case for the relief sought for in this OA. Hence, the application is liable only to be dismissed and accordingly, it is dismissed.

No costs.

(B.S. JAI PARAMESHWAR)

MEMBER (J)

81678

(R. RANGARAJAN)

MEMBER (A)

D. R.

OA. 1634/95

Copy to :-

1. The Divisional Railway Manager, (Personnel Branch) -Vth Floor, Sanchar Bhawan, Secunderabad.
2. The Chief Project Manager, (R.E.), Vijayawada.
3. One copy to Mr. Ch. Jagannatha Rao, Advocate, CAT., Hyd.
4. One copy to Mr. V. Rajeswara Rao, Addl.CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One copy to duplicate.

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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: 8/6/98

ORDER/JUDGMENT

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

in
O.A.NO. 1634/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

