

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A.358/95.

Dt. of Decision : 25-11-97.

1. G. Joyadevi
2. V.V.N. Swami Naidu
3. V. Venkateswara Rao

.. Applicants.

Vs

SC Rly, Wagon Workshop,  
Guntupalli-241.

2. The Workshop Personnel Officer,  
Wagon Workshop, SC Rly,  
Guntupalli-241.
3. The Chief Personnel Officer,  
SC Rly, Sec'bad.
4. The Union of India rep. by  
its Chairman, Railway Board,  
New Delhi.
5. N. Ganga Naik.

.. Respondents.

Counsel for the applicants : Mr.K.S.Murthy

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:

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

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

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ORDER

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

Heard Mr.K.S.Murthy, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devaraj, learned counsel for the respondents.

2. There are three applicants in this OA. While they were ~~waiting~~ <sup>test</sup> though they submit <sup>test</sup> that they <sup>were</sup> eligible to be promoted. In the mean time R-5 was promoted to the post of Sr. Clerk against the reserved point. The first applicant was promoted on adhoc basis as Sr. Clerk w.e.f., July, 1995 whereas <sup>the</sup> applicants No.2 and 3 were promoted as Sr. Clerk on adhoc basis <sup>in</sup> September, 1995. All the three applicants were regularised as Sr. Clerk w.e.f., 23-9-97 by the order No.G.R/P.535/3/Vol.VIII dt. 23-9-97.

3. This OA is filed praying for a direction to the official respondents to fill up four vacancies in the post of Sr. Clerks in the scale of pay of Rs.1200-2040/- in Personnel Branch of Wagen Workshop, Guntupalli with only OC candidates after setting aside the letter No.GR/P.535/3/Vol.VII dt. 16-1-95 whereby R-5 was promoted as adhoc Sr. Time Keeper.

4. An interim order was given in this OA dt. 20-03-95 whereby it was directed that "any promotion that is going to be made to the post of Sr. Clerks in Personnel Department under R-2 will be subject to the result of this OA."

5. The applicants now submit that they <sup>are</sup> not challenging the promotion of R-5 in view of the recent judgement of the Apex Court. Hence the only point that survives is whether the applicants are entitled for promotion from the earlier date probably from 1995 when they were given the adhoc promotion as Sr. Clerks instead of regularising them by order dated 23-9-97. It is seen from the

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OA that no other employee other than R-5 was promoted as Sr.Clerk from the date, ~~of~~ the three applicants were promoted on adhoc basis till they were regularised on 23-9-97. As stated earlier the promotion of R-5 is not challenged. It is not understood whether the applicants ~~would~~ gain anything by getting orders for regularisation with effect from their date of adhoc promotion. As it stands to-day there is no instance ~~possible~~ ---

regularising them from 1995 the date when they were promoted on ~~this date would~~ adhoc basis ~~would~~ jeopardize to further promotional prospects.

The learned counsel for the applicants submit that in future some event may develop such as merger or some ~~unite~~ ~~and~~ ~~prospects of the~~ may affect the ~~applicants~~. But the above submission is only a conjecture not supported by any relevant instructions in this connection. Hence it is not necessary for us to deal with this issue at the present juncture. The question whether the applicants are entitled for regularisation w.e.f., the year 1995 is kept open for adjudication as and when it becomes necessary. At this juncture it is not necessary to examine this issue at length and pass a judgement.

6. In view of what is stated above, we find ~~no~~ order is necessary in this OA at this juncture in view of the reasons stated above. Hence the OA is disposed of with no orders subject to the condition that the issue raised in this OA is kept open if necessary to be adjudicated in future as and when it arise.

7. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER(JUDL.)

  
(R. RANGARAJAN)  
MEMBER(ADMN.)

25/11/97  
Dated : The 25th Nov. 1997  
(Dictated in the Open Court)

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6/12/97

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COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE CHIEF JUDGE : M(A)

AND

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

Dated: 25-11-97

ORDER/JUDGMENT

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

in

D.A.NO. 358195

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

II Court

