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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO. 399/95.

DATE OF JUDGMENT: 17-08-95.

BETWEEN:

1. K.S.Davendra Nath
2. C.Sreeramulu
3. K.Naga Raju
4. P.Sathya Raju
5. N.Vasudevan
6. M.Sugil
7. C.Kalappa
8. D.Kalra Vasa Varma

.. Applicants.

AND

1. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
2. The Dy. Chief Mech. Engineer,
Carriage Repair Shop,
Tirupathi.
3. The Workshop Personnel Officer,
Carriage Repair Shop,
SC Rly, Tirupathi.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K.Sudhakar Reddy

COUNSEL FOR THE RESPONDENTS: SHRI J.R.Gopal Rao,
~~SC Rly, Secunderabad~~ SC for Rlys.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD.2..

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O.A.No.399/95.

Date: 17-4-1995.

J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) I

Heard Sri K.Sudhakar Reddy, learned counsel for the applicants and Sri J.R.Gopala Rao, learned Standing Counsel for the respondents.

2. A notification for recruitment of Trainee Skilled Artisan in the grade of Rs.950-1500(RSRP) in Carriage Repair Shop, Tirupathi was issued vide ~~Ref.No.~~ Ref.No.TR/P/563/Skilled/93 dt. 14.4.1993 by R-2. The nine (9) applicants herein applied in pursuance of the notification. They were offered appointment for the above said posts of Temporary Skilled Artisan by R-3 vide letter No.TR/P.563/DR/Skilled/93 dt. 28.6.1993 ~~after they were~~ selected in the selection comprising written test, viva-voce and practical tests. The applicants ~~and the offer of appointment for the post of~~ Trainee Skilled Artisan.

3. While the applicants were expecting orders for appointment as Trainee Skilled Artisan they received a letter bearing No.TR/P.563/Mech./DR/SK/Vol.II dt. 29.8.1994 stating Trainee ~~there is~~ no possibility of appointing them in the grade of/Skilled Artisan and that if they are willing to take-up the post of Group 'D' (Unskilled) in the Carriage Repair Shop, Tirupathi, Diesel Sheds at Gooty, Guntakal, Kazipet Moula Ali and Vijayawada, and Electrical Loco Sheds at Vijayawada and Lalaguda, their cases will be considered for appointment in Group 'D' (Unskilled) to the extent of vacancies available in due course. It is stated ~~for the purpose of the~~ that the applicants have given their acceptance for appointment in Group 'D' as envisaged in the Railways letter dt. 29.8.1994. But, inspite of

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their accepting the offer for appointment as Group 'D', it is alleged that the respondents are maintaining silence over the matter and no intimation is given so far about the action taken for issuance of the orders of appointment. Hence, they filed this OA for a direction to the respondents to appoint the applicants as Skilled Artisan or as Khalasi (Group 'D') in the scale of Rs.750-940 in Carriage Repair Shop or Diesel Loco Shed, Kazipet/Guntakal/Vijayawada or in Electric Loco Shed, Vijayawada/Lalaguda and for a further direction to consider them first before considering any other candidate for employment in Group 'D' posts in the interest of justice.

4. O.A.No.538/93 which was filed in 1993 was disposed of by order dt. 28.8.1993. In that OA also the applicants therein were selected for the post of Skilled Artisan in various trades in pursuance of the notification issued in the year 1984. In case of those selected candidates in that OA they were also asked to give an undertaking for appointment in Group 'D' as there were not enough vacancies to appoint them in Skilled Artisan category. The applicants gave undertaking for appointment in Group 'D', but no further communication was sent to them in continuation of their undertaking. Hence they filed the above OA praying for a direction to appoint them in the category of Group 'D'. That OA was disposed of by orders referred to above with a direction to the respondents that as and when Group 'D' posts in outsiders quota are available in the Carriage Repair Shop, Tirupathy or anywhere else in Guntakal Division the applicants should be considered first before considering any other candidate for employment in Group 'D' posts.

...4/-

5. The applicants in this OA also had been selected for the posts of Trainee Skilled Artisan but due to paucity of posts of Trainee Skilled Artisan they were asked to give an undertaking for alternative appointment as ~~ask~~ Khalasi (Gr. 'D') we feel that a similar direction as above is appropriate in this case also.

6. The selections were done for Carriage Repair Shop, Tirupathi which is located in the jurisdiction of Guntakal Division. To offer appointments to the applicants herein even in Group 'D' posts outside the jurisdiction of Guntakal Division may not be correct as the local people in the areas of the other divisions will also be aspiring to get a footing herein to appoint them as Group 'D' at Diesel Loco Shed, Kazipet and Vijayawada or at Electric Loco Shed, Vijayawada/Lalaguda may not be in order. They ^{are} ~~were~~ entitled for appointment as Group 'D' in their turn only in Carriage Repair Shop, Tirupathi and Diesel Loco Shed, Guntakal.

7. In view of what is stated above, the following direction is given:-

The respondents are directed to offer the applicants herein for appointment as Group 'D' as and when the vacancies arise in outsiders quota in Carriage Repair Shop, Tirupathi or anywhere else in Guntakal Division in their turn subject to the condition that the applicants gave acceptance for Group 'D' posts within the stipulated time and also accepted the terms and conditions stipulated therein. The applicants should be considered for appointment in Group 'D' posts in their turn first, before considering any other outside candidate

...5/-

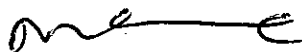


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whose names are not already in list for appointment in Group 'D' posts, in Tirupathi Carriage Repair Shop or anywhere else in Guntakal Division.

7. The OA is ordered accordingly at the admission stage itself. No costs./


(R. Rangarajan)


(V. Neeladri Rao)
Vice Chairman

Dated th 17 April, 1995.

Grh.


DEPUTY REGISTRAR(J)

To

1. The Chief Personnel Officer,
South Central Railway, Railnilayam,
Secunderabad.
2. The Dy. Chief Mechanical Engineer,
Carriage Repair Shop, Tirupathi.
3. The Workshop Personnel Officer,
Carriage Repair Shop, South Central Railway,
Tirupathi.
4. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. J. R. Gopal Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

V. Neeladri Rao, V.C.

THE HON'BLE SHRI ~~A.V. HARIDASAN~~ MEMBER

AND

R. Rangarajan

THE HON'BLE SHRI ~~A.B. GORTHI~~ MEMBER (A)

DATED 17.4.95

ORDER/JUDGMENT

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

in

O.A.NO. *399/95*

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered: _____

No order as to costs.

YLKR

