

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH: AT
HYDERABAD

O.A.No.428 OF 1995.

Date of Order:27-2-1998.

Between:

B.V.Chandra Sekhar.

.. Applicant

and

1. The Chief Personal Officer,
South Central Railways,
Railway Nilayam, Secunderabad.
2. Senior Divisional Personal Officer
(Sr.D.P.O.),South Central Railways,
Guntakal, Anantapur District.
3. The Room Manager,(V.R.R.Raichur),
South Central Railways, Vegetarian Re-
freshment Room, Raichur.

.. Respondents

COUNSEL FOR APPLICANT :: Mr.G.Ramachandra Reddy

COUNSEL FOR RESPONDENTS: Mr.V.Rajeshwar Rao

CORAM:

THE HON'BLE SRI R.RANGA RAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

(AS PER HON'BLE SRI R.RANGA RAJAN, MEMBER (A))

Heard Mr.G.Ramachandra Reddy, learned Counsel for
the Applicant and Mr.V.Rajeshwara Rao, learned Counsel for
the respondents.

2. The applicant in this O.A. is an ST candidate Group-'D'
staff. He applied for the post of Assistant Catering Manager

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in Group-'C' category pursuant to the Notification dated: 31-12-1993. The applicant was not permitted to attend the written test which was held on 6-8-1994 on the ground that he had not put in three years of service in the feeder cadre as on the date of notification. However, the case of the applicant was re-considered and found that the rejection of ^{his} the candidature ~~for~~ of the above selection was not in order.

3. This O.A. is filed praying for a direction to the respondents to consider the case of the applicant for promotion to the post of Assistant Catering Manager against a vacancy which fell to the quota of ST Community by subjecting him to due selection process and include his name in the pannel which was published in pursuance of the notification dated:29/31-12-1993.

4. The respondents in their reply submitted that ^{it} ~~is~~ a mistake ⁱⁿ ~~for~~ rejecting his candidature when ^{he had applied} ~~we have acted~~ in response to the notification dated 31-12-1993 as he is an ST candidate and three years experience ^{was} ~~is~~ not required for a ST candidate. The respondents further submit that, he will be allowed to sit in the ensuing selection and if he is found ^{for inclusion in the selection list} suitable, he will be considered with reference to 1994 selection.

5. In view of the above submission, no further order ^{is} necessary in this connection. However, it is made clear that, in case the applicant succeeds in the ensuing selection for which he appeared for the written test on 8-11-1997, his name should be included in the pannel which was published in pursuance of the notification dated:31-12-1993. He is entitled for all ^{if included} monetary benefits on par with his Juniors in pursuance of the notification dt 31-12-1993.

6. The learned Counsel for the Applicant submits that the respondents irregularly rejected his case for admission for the


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selection which was conducted on 6-8-1994 without adhering to the rule position. As an ST candidate the question of minimum years of service ^{did not} ~~does not~~ arise. Had the respondents acted diligently by following the rules strictly, he would not have put to harassment in not getting promotion and he would not have resorted to come to this Tribunal for redressal of his greivances. Hence he submits that he has to be compensated ~~for the same~~ for the treatement meted out to him. The learned Counsel for the Respondents submitted that his case was inadvertently omitted and that will not be a reason for granting any costs to the applicant.

7. The rule is clear. The respondents cannot escape ^{from} ~~their~~ responsibility ^{as} ~~of~~ ~~go~~ if they have not read the rules proper. The applicant being a Group-'D' official was unnecessarily forced to come to this Tribunal for redressal of his greivance. If such action of the respondents are condoned, ~~we are obliged that the~~ irregularities as pointed out in this O.A. may recur. In order to avoid the recurrence of such irregularities, we observe that the General Manager of the Railway should call for the records for not admitting the applicant for selection in the examination held on 6-8-1994 without following the rules. He should ~~feel~~ ^{fix} its responsibility for the ~~large~~ ^{in the appropriate manner} lapses and take such action as deemed necessary to avoid recurrence of such failure in future.

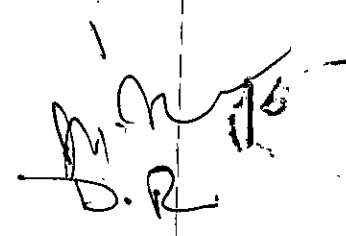
8. With the above observations, the O.A. is disposed of.
No costs.


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


(R. RANGA RAJAN)
MEMBER (A)

Dated: 27th February, 1998

Dictated in the Open Court


D.R.

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Copy to:

1. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
2. Senior Divisional Personnel Officer, (Sr.D.P.O), South Central Railway, Guntakal, Ananthapur District.
3. The Room Manager, (V.R.R.Raichur), South Central Railway, Vegetarian Refreshment Room, Raichur.
4. One copy to Mr.G.Ramachandra Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

6/4/98
17/3/98
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 27/2/98

ORDER/JUDGMENT

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

in

D.A.NO. 428/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~
~~DISMISSED.~~

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II. COURT

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