

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1191/95

dt.28-4-98

Between

K. Ramakrishna Rao

: Applicant

and

1. Union of India, rep. by  
its Genl. Manager  
SE Rly. Calcutta

2. Chief Personnel Officer  
SE Rly., Garden Reach  
Calcutta 43

3. Divnl. Mly. Manager  
SE Rly., Dondaparty  
Visakhapatnam

: Respondents

Counsel for the applicant

: P.B. Vijayakumar  
Advocate

Counsel for the respondents

: V. Bhimanna  
SC for Rly.

Coram

Hon. Mr. R. Rangarajan, Member(Admn)

Hon. Mr. B.S. Jai Parameshwar, Member(Judl)





## Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn))

Heard Mr. Patro for Mns P.B. Vijayakumar for the applicant and Mr. V. Bhimanna for the respondents.

1. The applicant in this OA was initially included in the list for consideration for selection for the post of CTXR in scale Rs.2000-3200 RPS C&W Mechanical department by letter No.WPV:131/216 dt.12-9-88 (Annex.4). His name stands at Sl. No.11 as per that <sup>list</sup> against his name <sup>it is noted</sup> he is under secondment to Iraq. He could not appear for the selection. The applicant returned ~~back~~ from Iraq and reported for duty on 18-6-90. He was promoted as CTXR on adhoc basis on 12-3-91 and he was regularised as CTXR with effect from 9-9-92 after due selection.
2. The applicant submitted a representation dated 3-4-94 to show his seniority as CTXR in the select panel who were called for CTXR Selection by letter dt.12-9-88 (Annex.4). As he could not write that examination as he was away at Iraq that representation was disposed of by impugned letter dated 7-2-94 (Annex.2) which reads as below :

"Sri K.R.K. Rao's representation for giving seniority in scale of Rs.2000-3200(RSP) as a result of the selection initiated in the year, 1988, when he was on secondment, has been carefully considered. It is seen that he would have been called for the selection initiated in 1988, as he was in the zone of consideration on the basis of 3X formulae - i.e., for one vacancy, 3 persons are to be called - but his name was not included in the zone of consideration at the material time because of his secondment. The selection was concluded and it is seen from the panel that none of his juniors from UP community was empanelled for the post of CTXR. As such, he has no claim for seniority in scale Rs.2000-3200(RSP), as a result of the selection initiated and finalised in 1988. Sri K.R.K. Rao may be advised accordingly."

3. Thereafter the applicant submitted another representation dated 12-4-94 stating that he had not been called for selection in the year 1988 alongwith others and if <sup>he</sup> had obtained 80% of marks he could have been placed even above some of his seniors. His request which was rejected by impugned order dated 7-2-94 <sup>for</sup> ~~impugning~~ the review and ~~he has to be given~~ seniority as prayed for in his representation dated 31-4-93. It is stated that his second representation dated 12-4-94 is not replied.

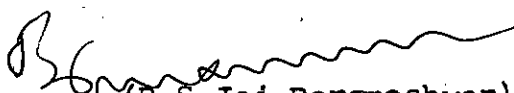
4. This OA is filed to set aside the impugned order dated 7-2-94 of Respondent-3 vide No.WPO/131/216, declining to count his seniority in the post of CTXR with effect from 1-8-1994 at least by giving proforma seniority.

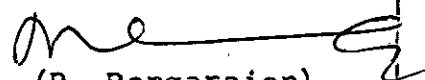
5. A reply has been filed in this OA.

6. The respondents in this OA submitted that even if he has secured 80% of marks in the selection the applicant would not have been placed above those who were selected ~~after him~~ for whom call letters were issued on 2-4-88. Hence the applicant <sup>should have</sup> ~~has~~ no grouse for rejection of his request. He was regularised from 9-9-92 and his seniority has been given accordingly.

7. We have heard both sides. The applicant was 11th in the seniority amongst those who were called for selection in the year 1988 by letter dated 12-9-88. If the applicant has been put to a test after his return from Iraq for the selection post ~~and~~ of CTXR and if the applicant had secured 80% in that review selection, then his seniority would have been improved by 50% amongst those who called for selection. The above is as per para-219 of IREM. The applicant is at sl.No.11 in the seniority list. If he had secured 80% in the review selection then he would have come in the seniority list between Sl.No.5

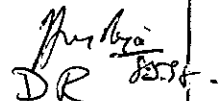
- and 6. That means below Sri K.J. Rao and Sri Ch. Raghunadharao. Even if that position is accepted the vacancies have been limited to 5 for the OC candidates, or those who passed <sup>minimum</sup> ~~minimum~~ on merit none below the sl.No.5 were promoted. Hence in that case also the applicant could <sup>not</sup> have been empanelled ~~also~~ in the panel issued <sup>in</sup> on 1989. In view of that we find the applicant has not made out a case for allowing this OA.
8. In view of the foregoing it has to be held that the OA is devoid of merit and accordingly it is dismissed.
9. Before we part with this OA we would like to mention that the impugned letter dated 7-2-94 does not convey the full rule position and on that basis rejection of the representation of the applicant dt.3-4-93. <sup>Due</sup> For the insufficient reply given by the respondents, the applicant was forced to come to this Tribunal for the relief. The applicant has made out his case once again by his representation dated 12-4-94. Unfortunately, the respondents did not think it fit to reply that representation for reasons best known to them. In view of that it has to be held that the respondents have not fulfilled their obligation thrust on them towards the grievance of the employees especially the applicant herein. Hence, we feel a token cost has to be awarded to the applicant to be paid by the respondents to meet the minimum cost of filing this OA. Hence, we direct the respondents to pay an amount of Rs.300/- to the applicant as cost within a fortnight from the date of receipt of copy of this judgement.
10. With the above direction the OA is disposed of.

  
(B.S. Jai Parameshwar)  
Member (Judl.)

  
(R. Rangarajan)  
Member (Admn)

28/4/98

Dated : April 28, 98  
Dictated in Open Court

  
DR

RXXX

FORM NO.20

See Rule 111 (c)

Bill of Costs  
(To be annexed to the order)

S.A./R.A./C.R./M.A. NO. 1191 /95

Costs awarded to applicant Sri K. Ramakrishna Rao / Respondent No. ~~and payable by Applicant No.~~ *and payable by the* Respondent No. ~~..~~

(i) Legal Practitioner's fee	Rs.	300 /-
(ii) Expenses	Rs.	

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Total.. Rs. 300 /-

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Note: No bill of costs need be prepared or annexed, if costs are not awarded.

*[Signature]*  
(Signature) 25/11

Deputy Registrar

..4..

## Copy to:

1. The General Manager, South Eastern Railway, Calcutta.
2. Chief Personnel Officer, South Eastern Railway, Garden Reach, Calcutta.
3. Divisional Railway Manager, South Eastern Railway, Dondaparthi, Visakhapatnam.
4. One copy to Mr. P. B. Vijaya Kumar, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanra, Addl. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

27/6/98 (7)

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: 28/4/98

ORDER/JUDGMENT

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

in

O.A.NO. 1191/95

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

Co. II  
in pursuance of order.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद ब्याचपीठ  
HYDERABAD BENCH  
27 MAY 1998  
Despatch No. 22000/1998  
विभाग/APPAL SECTION