

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 1070/96
With Regd. No. 3242/96

Dated: 1.10.96

Between

1. M. Jagannadha Rao,
In charge Headmaster,
Railway High School
(English Medium)
Guntakal.
2. S. Venkateswarlu,
Senior Trained Graduate Teacher,
Railway High School,
Guntakal.
3. G. Viswanathan,
Senior Trained Graduate Teacher,
Railway High School
(Telugu Medium)
Guntakal.

... Applicants

and

1. Union of India
Rep. by the General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
3. Dy. Chief Personnel Officer,
Labour and Welfare,
Rail Nilayam, Secunderabad.

... Respondents

Mr. S.R.K. Murthy

.. Counsel for applicants

Mr. V. Rajeswara Rao

.. Counsel for respondents

O R D E R

(Order per Hon'ble Shri M.G. Chaudhari, Vice Chairman)

Admit. Notice waived. Counter filed. We have been shown the relevant portion of the counter. It appears that only Post Graduate Teachers were included in the zone of consideration for the 9 vacancies of Headmasters Gr. B. That seems to have been done on the basis of prevailing policy/guidelines. From Annexure-9 it appears that the issue of dispensing with PG qualification was raised by the staff side in PNM/NFIR meeting and the Railway Board has now decided to dispense with the Post Graduate qualification in the case of those PGTs who were

full

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promoted to Grade 1640-2900 prior to the issue of Board's letter dated 11.4.88 for promotion to the post of Group B-- Headmaster of Railway High Schools--and Recruitment Rules are proposed to be amended to specifically provide for Second Class Masters Degree vide letter of Railway Board No. E(P&A)I-95/FE-4/B, RBE No. 52/96 dated 2.7.96. The three applicants concerned in this OA claim that they were promoted to Grade 1640-2900 prior to 11.4.88. They had not been called for viva voce test and it is the belief of the applicants that since they were not PGs they have been excluded. That basis however would no longer be correct to be adopted in view of the above mentioned decision of the Railway Board. In the facts and circumstances of the case we are of the opinion that the respondents should consider the case of the applicants in the light of the decision of the Railway Board vide letter dated 2.7.96 and clarify the position as regards the selection to the post of HM Grade B in accordance with the prescribed procedure. The learned counsel for the applicants states that the applicants will submit a representation to the second respondent on the above lines within a period of one week from today. Hence the following order.

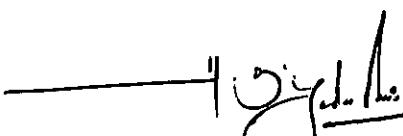
2. The applicants are given permission to submit a fresh representation to Respondent-2 within a period of one week from today. On such representation being received, R-2, by himself, or if so advised, in consultation with the General Manager, S.C. Railway, take a decision on such ~~as~~ representation in the light of the letter of the Railway Board mentioned above, dated 2.7.96 within a period of 15 days from the date of receipt of the representation and convey the decision taken thereon to the applicants through a speaking order. If aggrieved with ^{the} such a decision, applicants will be at liberty to adopt further remedies in accordance with law including approaching this Tribunal by an O.A. The interim order dated 2.9.96 shall continue to operate until expiry of a period



of one week after the decision on the representation is communicated to the applicants so as to enable the applicants to approach the Tribunal if so advised in the event of they being aggrieved by the decision on the representation and shall stand vacated thereafter subject to any orders in fresh proceedings. The time of 15 days has been indicated so that appointments to the 9 vacancies of HMs may not be unduly delayed. It is made clear that the disposal of the OA is not based on consideration of the merits of the case.

O.A. disposed of in terms of the above order.

M.A. disposed of with no order.

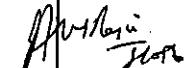

(H. Rajendra Prasad)
Member (A)


(M.G. Choudhary)
Vice Chairman

Dated 1st October, 1996

(dictated in open court)

VM


Deputy Registrar (DCC)

O.A.1070/96.

To

1. The General Manager, Union of India,
SC Rly, Railnilayam, Secunderabad.
2. The Chief Personnel Officer,
SC Rly, Railnilayam, Secunderabad.
3. The Deputy Chief Personnel Officer,
Labour and Welfare,
Railnilayam, Secunderabad.
4. One copy to Mr. R.K. Murthy, Advocate, CAT.Hyd.
5. One copy to Mr. V. Rajeswar Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

29/10/96

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 10 -10 -1996

ORDER / JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No. 1070/96.

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

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केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

DEPT/DESPATCH

23 OCT 1996

हैदराबाद बैचन्च
HYDERABAD BENCH