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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1347/96

Date of Order : 31.8.98

BETWEEN :

1. Lakshmaiah
2. R.Gurumurthy
3. S.Jilani
4. K.Perumal
5. D.Hanmanth

.. Applicants.

AND

1. The Chief Commercial Manager,
S.C.Rly., Secunderabad.
2. The Chief Personnel Manager,
S.C.Rly., Secunderabad.
3. The Divisional Manager,
S.C.Rly., Guntakal.
4. The Senior Divisional Personnel Manager,
S.C.Rly., Guntakal.

.. Respondents.

— — —

Counsel for the Applicants

.. Mr.V.NarasimhaGoud

Counsel for the Respondents

.. Mr.N.R.Devraj

— — —

CORAM :

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

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

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Q R D E R

X As per Hon'ble Shri B.S. Jai Parameshwar, Member (Judl.) X

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Mr. Sastry for Mr. V. Narasimha Goud, learned counsel for the applicants and Mr. N.R. Devraj, learned standing counsel for the respondents.

2. There are five applicants in this OA. They are all working as commission vendors and bearers under the control of the respondents 3 and 4 at Cuddapah. The respondents 3 and 4 called certain candidates who were junior to the applicants to appear for the screening test for absorption in the post of catering bearers/vendors against the regular post vide proceedings No. G/c. 101/Vendor/P and G/P. 564/PRL/Con./96 dated 14.11.96 (A-2).

3. The applicants are aggrieved by the said action of the respondents 3 and 4. The applicants submit that they have been working as Commission vendors since 1977 onwards.

4. The respondents on the basis of the principles laid down by the Hon'ble Supreme Court in the case of T.I. Madhavan Vs. Union of India (1988 SCC 437),^{prepared} a list of 163 working as commission bearers and vendors were identified and listed for absorption. They submit that the applicants were not qualified for absorbing as Diesel Khalasis and that all the listed commission vendors and bearers are absorbed in the manner in ⁱⁿ them turn based on the seniority and ⁱⁿ for other branches.

5. The respondents did not specifically states that the list prepared by them consists the names of the applicants. On the otherhand the applicants have cited instances in para-6.3. Wherein certain juniors to them were listed for

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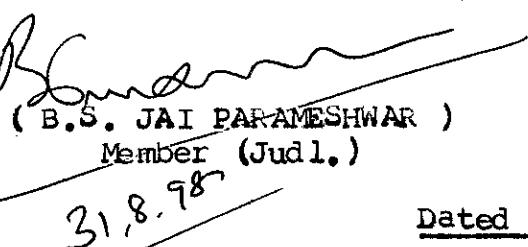
absorption. Even then ^{se} averments have not been traversed by the respondents ~~by themselves~~. Though the respondents ^{state} ~~says~~ that the applicants can be considered for absorption only in view of the judgement in I.T. Madhavan's case, The respondents have not stated any where how that case ^{is} to be applicable to the applicants herein.

6. In view of the short comings noted in the reply we are ^{for} of the opinion that the reply has not made out with proper details and no care is shown while preparing the reply.

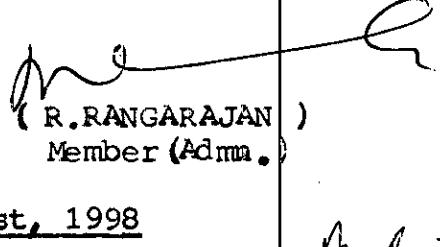
7. Hence we issue the following directions :-

Respondents 3 and 4 shall consider the cases of the applicants for absorption in the catering departments of Railways as Cleaners in Group-D service, if their juniors specially those mentioned in para 6.3 had already been absorbed following the extant rules.

8. The OA is ordered accordingly. No costs.

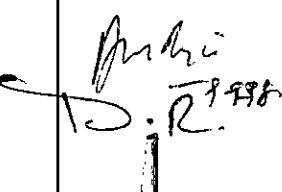

(B.S. JAI PARAMESHWAR)
Member (Judl.)

31.8.98


(R. RANGARAJAN)
Member (Admn.)

Dated : 31st August, 1998

(Dictated in Open Court)


D.R.

sd

OA.1347/96

Copy to:-

1. The Chief Commercial Manager, S.C.Rly, Secunderabad.
2. The Chief Personnel Manager, S.C.Rly, Secunderabad.
3. The Divisional Manager, S.C.Rly, Guntakal.
4. The Senior Divisional Personnel Manager, S.C.Rly, Guntakal.
5. One copy to Mr. V.N.Masimha Goud, Advocate, CAT, Hyd.
6. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
7. One copy to HBSJP M(J), CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate copy.

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30/9/98 (9)

II COURT

TYED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHR^O R. RANGARAJAN : M(A)

AND

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

DATED: 31/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.N.B.

in

C.A.NO. 1347/98

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

केन्द्रीय प्रशासनिक विधिकरण
संसदीय नियमानुसारी नियमित
प्रेषण / DESPATCH

21 SEP 1998

हैदराबाद न्यायालय
HYDERABAD BENCH