

32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.  
OA. No. 4181/96.  
14.8.98  
Date of order: 20-12-96.

Between:-

D. Sambasiva Rao .... Applicant.

And

1. Union of India retd. by it's General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. Divisional Railway Manager, SCR/BZA/Vijayawada.
3. Senior Divisional Personnel Officer, DRM Office/SCR/BZA/Vijayawada.
4. Assistant Engineer, South Central Railway, Guntur.

.... Respondents.

Counsel for the Applicant: Mr. G. V. Sekhar Babu

Counsel for the Respondents: V. Rajeshwara Rao, SC for Rlys.

CORAMs

HON'BLE MR. JUSTICE M. G. CHOUDHARI, VICE CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (A)

Hon'ble Tribunal made the following order:-

Admit.

Issue notice to the respondents.

We see no case for grant of interim relief as prayed. The prayer is to suspend operation of the order dated 31-10-1996 whereunder the applicant is being absorbed as Gangman in Group-D. By his representation dated 8.11.1996 the applicant has intimated the respondents that he is unwilling to be absorbed as Gangman. The prayer made, and his representation are thus contrary to each other. We are unable to appreciate as to how regularisation as Group-D, which is essential for being eligible to be promoted to Group-C against promotion quota is being challenged by the applicant so as to deprive himself of that eligibility in future. Even though it appears that the applicant was considered for selection to Group-C against 1/3 quota (it will be in nature of direct recruitment) he was not selected.

that direct fire obstructions to point basing  
comes in Group-C if the purpose is to identify  
as Group-D. The obstructions may be found out  
which is the maximum range to which  
we do not know as to why and O.A. may  
be the basic factors, type, power, will be for the  
abilities to identify the range of the point to the  
O.A. We, therefore, see no scope to do this  
either.

DR. RAJAT KUMAR (LAW)

That gives the opportunity of being promoted in due course in Group-C if he happens to be regularised as Group-D. The applicant would be losing that opportunity if the interim relief as prayed is granted to him. We do not know as to why and how the O.A. has been filed of the present nature. That, however, will be for the applicant to satisfy the Court at the hearing of the O.A. We, therefore, see no scope to grant interim relief.

*Amrit Singh*  
DY. REGISTRAR (JUDL)

OA. No. 4181/96.

Copy to :-

1. General Manager, South Central Railway,  
Rail Nilayam, Secunderabad.
2. Divisional Railway Manager, SCR/BZA/Vijayawada.
3. Senior Divisional Personnel Officer,  
DRM Office/SCR/BZA/Vijayawada.
4. Assistant Engineer, South Central Railway,  
Guntur.
5. One copy to Mr. G. V. Sekhar Babu, Advocate,  
CAT, Hyderabad.
6. One copy to Mr. V. Rajeshwara Rao, SC for Rlys,  
CAT, Hyd.
7. One spare copy.

kku.

Notice

I COURT

TYPED BY

CHECHED BY

COMPARED BY

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  
MEMBER(ADMN)

Dated: 20-12-1996

ORDER / JUDGMENT

~~M.A./R.A/C.A. NO.~~

~~O.A.No.~~

~~T.A.No.~~

1481176

~~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.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
फैसला/DESPATCH

30 DEC 1996

हैदराबाद न्यायालय  
HYDERABAD BENCH

37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

MA 857/97 in DA 1481/96

DATE OF ORDER : 12-9-1997.

Between :-

D.Sambasiva Rao

... Applicant/petitioner

And

1. Union of India rep. by its General Manager, SC Rlys, Rail Nilayam, Sec'bad.
2. Divisional Railway Manager, SC Rlys, BZA/Vijayawada.
3. Sr.Divisional Personnel Officer, DPM Office/SCR/Vijayawada.
4. The Asst.Engineer,S.C.Railway, Guntur.

... Respondents/Respondents

--- --- ---

Counsel for the Applicant : Shri G.V.Sekhar Babu

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

(Order per Hon'ble Shri R.Rangarajan, Member (A))

*[Signature]*

--- --- ---

*[Signature]*

... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

Heard Sri G.V.Sekhar Babu for the applicant and Sri V.Rajeshwar Rao, for the respondents.

2. This MA is filed praying for a direction to the respondents to continue the petitioner in his present group-C post of Driver. The learned counsel for the applicant himself states that the applicant is a Temporary Status Driver. He had been posted ~~for~~ <sup>as</sup> a regular posting as Gangman but that was not implemented/the applicant <sup>as</sup> ~~is~~ not <sup>was</sup> ~~is~~ willing to ~~go into~~ <sup>go</sup> that post having put in continuous eight long years of service as Group-C employee. Under the circumstances the applicant requests for retaining him as a temporary status Driver. The learned counsel for the respondents submits that there is no order forcing ~~for~~ him to <sup>go</sup> as Gangman, but the authorities <sup>could have asked</sup> ~~are asking~~ the applicant to go as Gangman. In any case in the absence of any order the applicant cannot be forced orally to go as Gangman even though it is in the regular cadre. In the above circumstances,

MA is disposed of with the following direction :-

The applicant should not be compelled to go as Gangman even if it is on regular status (and <sup>he</sup> ~~is not willing~~ <sup>he</sup> ~~should~~ <sup>may</sup> be continued as Group-C Temporary Status Driver if he wishes, till the provision exists for the post of Temporary Status Driver.

3. No order as to costs.

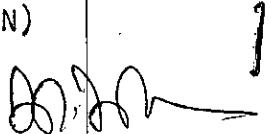
  
(B.S.JAI PARAMESHWAR)  
Member (J)

12-9-97

av1/

  
(R.RANGARAJAN)  
Member (A)

Dated: 12th September, 1997.  
Dictated in Open Court.

  
D.R.(S)

..3..

## Copy to:

1. General Manager, South Central Railway,  
Railnilayam, Secunderabad.
2. Divisional Railway Manager, South Central Railway,  
BZA/Vijayawada.
3. Senior Divisional Personnel Officer, DRM Office/SCR/Vijayawada.
4. One copy to Mr. B.V. Sekhar Babu, 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.
8. The Asst. Engineer, South Central Railway,  
Guntur.

YLKR

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R.R. AGARWAL : M (A)

AND

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

Dated: 12/9/97

ORDER/JUDGEMENT

M.A/R.A/S.A. NO. 857/97

in

C.A. NO. 1481/96

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