

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.
OA.No. 4191/96.

1487/98
Date of order: 20-12-96.

Between:-

D. Sambasiva Rao Applicant.

And

1. Union of India repd. 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.

CORAM:

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 gives the opportunity of being promoted in due course in Group-C if he happens to be regularized as Group-D. The applicant would be losing that opportunity if the interim relief 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.

BY REGISTRAR (JUDL)

34

-- 2 --

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.

Arundhan
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

CHECKED 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./F.A/C.A. No.~~

in

O.A. No.

T.A. No.

(M.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

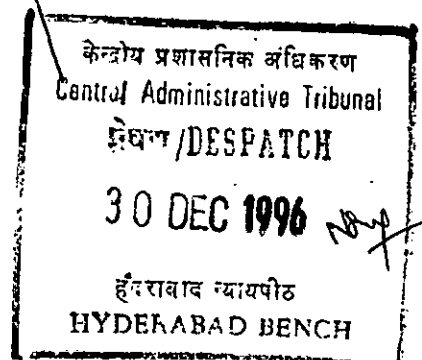
Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.



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,
DRM 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))

Jai

-- -- --

D

... 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 ^{as} for a regular posting as Gangman but that was not implemented ^{as} the applicant ^{was} is not willing to ^{join} go into 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 ^{go} him to ^{as} Gangman, but the authorities ^{could have asked} 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} ^{should} ^{if he is not willing} he may 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)

(R.RANGARAJAN)
Member (A)

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

svl/

D.R.(J)

..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/SCRVijayawada.
4. One copy to Mr.G.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

6 Copies

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 12/9/97

ORDER/JUDGEMENT

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

in

C.A. NO. 1481/96

Admitted and Interim Directions
Issued.

Allowed

MA

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

