

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 181/96

Date of Order: 14-2-96

Between:

N.Appa Rao.

.. Applicant

and

1. Chief Administration Officer,
Construction, SC Rly,
Railnilayam, Secunderabad.
2. Senior Divisional Engineer,
Co-ordination, Vijayawada,
SC Rly, Vijayawada.
3. Divisional Engineer (Construction)
SC Rlys, Vijayawada.
4. Senior Divisional Personnel Officer,
SC Rly, Vijayawada Division,
Vijayawada.

Respondents.

For the Applicant :- Mr. M.Lakshmana Murthy, Advocate

For the Respondents: Mr. V.Rajeshwar Rao,
~~Mr.~~ /Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

JUDGEMENT

Dt:14.2.96

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri M.Lakshmana Murthy, learned counsel for the applicant and Shri V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant is a substantial holder of the post of Gangman under R-2. His services were lent to Construction Branch of South Central Railway at Vijayawada to work under R-3. It is stated for the applicant that he was promoted as Ferro Printer on 3.11.86. Earlier to that, he was Office Khalasi under R-3. By the impugned order dated 29.3.96 the post of Ferro Printer was declared surplus and he was asked to report to R-2 for further posting in Vijayawada Division.

3. This OA was filed praying for direction to the respondents to continue him as Ferro Printer in the office of R-3 by setting aside the posting order dated 29.1.96 of R-3 and for a further direction for protection of his seniority in the post of Ferro Printer.

5. The main contention of the applicant is that having promoted him as Ferro Printer even though temporarily, he cannot be made surplus when Shri K.Prasad, ^{his junior} is allowed to continue as Ferro Printer. If the post of Ferro Printer is surplus, ^{the} ~~one~~ junior most has to be reverted and sent back to his parent Department and not the applicant who is senior to Shri K.Prasad.



6. The learned standing counsel for the respondents produced before us the letter No.CGC/P.Con.535/E, dt.29.1.96 whereby junior to the applicant Shri K.Prasad was also reverted and repatriated to his parent Department. It is further submitted by the learned standing counsel that this post is work charged post and as there is no work for continuing him as Ferro Printer, both the applicant and Shri K.Prasad were reverted and repatriated to their parent Department.

7. It is stated by both the sides that the applicant is not yet relieved from the post of Ferro Printer. In view of the above there is no need to give any direction in regard to regularisation of the period from 9.2.96 the date of interim order till today.

8. As the applicant was posted against the work charged post as Ferro Printer as ^atemporary measure, he cannot be continued if there is no work or there is no provision in the workcharged post to continue in the post of Ferro Printer. Even his submission that his junior is continued as Ferro Printer is not borne by the facts. Even his junior has been reverted as per the proceeding quoted above.

9. In view of the above, the OA is ordered as under:


The impugned order No.CGC/P.Con.535/E, dt.29.1.96 does not warrant interference in the view we have taken.

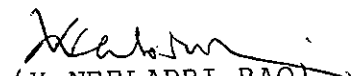


14

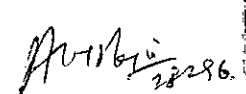
If there is need for engagement of Ferro Printer in the Construction Unit, volunteers should be called for from among the eligible candidates for posting them as Ferro Printer. If the applicant also applies in pursuance of such notification, he should also be considered giving him preference among those who applied, because of his earlier ~~experience~~ ^{service} as Ferro Printer.

9. The OA is ordered accordingly at the admission stage. No costs. //


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

Dated: 14th February, 1996
Open court dictation


Deputy Registrar(J)CC

vsn

To

1. The Chief Administration Officer,
Construction, SC Rly, Railnilayam,
Secunderabad.
2. The Senior Divisional Engineer,
Co-ordination, Vijayawada, SC Rly,
Vijayawada.
3. The Divisional Engineer (Construction)
SC Rlys, Vijayawada.
4. The Senior Divisional Personnel Officer,
SC Rly, Vijayawada Division, Vijayawada.
5. One copy to Mr. M. Lakshmana Murthy, Advocate, CAT. Hyd.
6. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm

18/3/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: 14-2-1996

ORDER/JUDGMENT

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

in

O.A.No. 181/96.

T.A.No. (w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions of the court in
Dismissed. *for*

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

a/w 40A copies No spare copy

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal दस्तावेज/DESPATCH 11 MAR 1996 हैदराबाद न्यायपीठ HYDERABAD BENCH

2