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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.200/96

dt.25-6-98

Between

A. Sivarama Krishna

: Applicant

and

1. Sr. Divisional Electrical Engr.
Traction Distribution, SC Rly.
Vijayawada

2. Divnl. Rly. Manager (Personnel)
SC Rly., Vijayawada

3. R. Hari Prasad
Khalasi, OHE/Guntur
Guntur Rly. Station
Guntur

4. A. Sambasiva Rao
Khalasi, OHE/Guntur
Guntur Rly. Station
Guntur

5. Shri M.M. Babuji
HT Man, OHE:Bapatla
Bapatla Rly. Station
Bapatla

: Respondents.

Counsel for the applicant

: G.V. Subba Rao
Advocate

Counsel for the respondents

: V. Bhimanna
SC for Rlys.

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Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

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Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Sri G.V. Subba Rao for the applicant and Sri V. Bhimanna for the official respondents. Private respondents R-3 to 5 called absent.

1. The applicant in this OA was engaged as Casual Khalasi under DRI:T:RE: Bezawada on 14-12-96. He was screened and empanelled for absorption against Group-D post of TRS:TRD Electrical Department on 1-7-1981 and was appointed as Temporary Khalasi on pay of Rs.196/- p.m. in the scale of Rs.196-232 and posted to Electrical/TRD with effect from 25-5-83. The applicant was posted purely on adhoc basis as Lorry driver without conferring on him any prescriptive right for continuing him or for seniority, promotion etc. by office order dated nil (Annex.IV A). It is stated in this that he is eligible for higher rate of pay with effect from 1-7-1986. Hence, it may be taken that the applicant was working on adhoc basis as Lorry Driver with the above condition from 1-7-1986. From Annex.V it is seen that the applicant passed the suitability test held on 10-8-1990. It is not known why he was subjected to suitability test. The applicant has not brought out any reason for subjecting him to suitability test and no further action was taken on the basis of suitability test. It may be for posting him as an Adhoc Driver or for regularising him but nothing is specified. The applicant did not take any action either to regularise or otherwise on the basis of the said test. Hence, it is not possible for us to take cognizance of the memorandum dated 20-9-1990.

41

2. A notification was issued on 15-5-1995 (Annex.II) for filling up four vacancies of Jeep/Truck/MT Driver in OHE side in Electrical TRD unit. It is stated in the notification that 8th class pass is necessary for Jeep/Truck/MT Driver post. In the panel published on the basis of the above notification by order dt.28-12-1995 (Annex.I) the name of the applicant is not figuring in that panel.

3. This OA is filed to set aside the impugned notification / Panel No.B:P.535/II TRD:Vol.II dt.28-12-1995 by holding the same as arbitrary, illegal, unconstitutional and for a consequential direction to the respondents to include his name in the list of candidates eligible for viva-voce test to be held shortly.

4. A reply has been filed in this OA.

5. The main reason for not calling him for viva-voce test is that he did not qualify in the written test. Only those who passed in the written test have been called for viva-voce test. It is also stated that the applicant had not fulfilled the condition of having passed 8th class for posting against that post. The respondents should not have allowed the applicant to appear for the written examination when he ^{was} not possessing 8th class qualification. However, as the applicant had failed in the written test he was not called for viva-voce. The respondents should ensure, in future, that such mistakes are not committed. It is stated that when the applicant had not qualified in the written test then he has no right to claim for appearing in viva-voce test. The second contention of the applicant is that those who have been empanelled for viva-voce on the basis of the test held on 10-8-1990 did not possess ~~the~~ Diving licence. In para-7 of the reply it has been stated that "the contention of the employee that the candidates declared passed in the written test do not have driving licence is not correct". This point has not been contradicted by filing a

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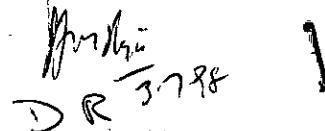
Substantiate
rejoinder to prove his case. Hence, there is no alternative except to accept the statements of the respondents in this connection.

6. As the applicant is not ~~possessing~~ a pass in 8th class and also he has failed in the written test we do not see any valid reason to grant any relief as prayed in this OA. Hence the OA is dismissed. No costs.


(B.S. Jai Parameshwar)
Member (Audl.)
25.6.98


(R. Rangarajan)
Member (Admn.)

Dated : June 25, 98
Dictated in Open Court


DR 3.7.98

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Copy to:

1. Senior Divisional Electrical Engineer,
Traction Distribution, South Central Railway,
Vijayawada.
2. Divisional Railway Manager (Personnel),
South Central Railway, Vijayawada.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
5. One copy to O.R (A), CAT, Hyderabad.
6. One duplicate copy.

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15/7/98

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II COURT

TYED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI G.S. JAI PRAMESHWAR :
M(J)

DATED: 25/6/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

C.A.NO. 200/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPENSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

