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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION No.436/96

dt. April 10, 96

Between

T. Omnamashivaya

: Applicant

and

1. Sri Divnl. Coml. Manager(BG)
Sanchalan Bhavan, SC Rly.
Secunderabad

2. Divnl. Rly. Manager
Broad Guaze, SC Rly.
Sanchalan Bhavan
Secunderabad

3. B.K. Singh
Chief Ticket Inspector(BG), SC Rly.
Hyderabad
(thru Station Supdt. SC Rly. Hyderabad)

: Respondents

Counsel for the applicant

: J.M. Naidu, Advocate

Counsel for the respondents (Official) ; V. Rajeswara Rao
SC for Railways

CORAM:

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

[Signature]

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OA.436/96

dt.10-4-96

Judgement

(Oral Order per Hon. Mr. Justice M.G. Chaudhari, V.C.)

Heard Sri J.M. Naidu, learned counsel for the applicant and Sri V. Rajeswara Rao, learned counsel for the respondents.

2. The applicant is Chief Ticket Inspector. He was working at Hyderabad. The respondent No.3, Sri B.K. Singh was also working as CTI at Hyderabad. The applicant is senior to the said B.K. Singh. However, by order dated 6-4-1995, B.K. Singh was posted as CTI in Secunderabad Division. However, it appears that even so he was working as CTI incharge at Hyderabad station. The applicant was aggrieved by that position as he was required to work under his junior and therefore filed the instant OA on 2-4-1996 praying that he should be posted as Incharge CTI at Hyderabad station in place of B.K. Singh.

3. The matter has some earlier history and by order dated 12-7-1995 in OA.583/95, the respondents were directed to dispose of the representation of the applicant. The respondents have disposed of the same by order dated 12-1-96. In the reasons stated in the order on the representation two things have been prominently stated. Firstly, that B.K. Singh, although he was instructed to work at Hyderabad has not been posted as Incharge at Hyderabad station and; secondly, since the applicant himself was not attending to duty being ~~at~~ sick, administrative requirement needed some one to be placed Incharge CTI at Hyderabad and

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accordingly B.K. Singh was instructed to perform ~~these~~ duties.

4. It has become ^{un -} necessary to go into the details to find out whether seniority of the applicant can be said to have been adversely affected or he has been unjustly bypassed from being put Incharge of Hyderabad station in view of the latest order dated 3-4-1996 being No.C/C/568/2/91 Vol.III issued by the DRM(Commercial), South Central Railway, which is produced for our perusal by Mr. V. Rajeswara Rao, learned counsel appearing for the respondents. We have made the said order available to the learned counsel for the applicant to apprise him with the same. That order directs that 'with immediate effect Sri D. Rama Rao, CTI/SC will take over charge as CTI, Hyderabad, and Sri B.K. Singh, CTI, will continue to work as incharge on Open Squad and conduct checks as per instructions of the office from time to time.'

Sri D. Rama Rao, admittedly is senior to the applicant, Since now he has been placed incharge as CTI, Hyderabad, in place of Sri B.K. Singh, the grievance ^{as} made by the applicant in the instant application no longer survives.

5. The learned counsel for the applicant vehemently argued that the respondents have moved in the matter only after they had driven the applicant to the Tribunal and this amounts to harassment of the applicant. As against that Sri Rajeswara Rao submits that since ~~Sri~~ ^{applicant -} Rama Rao was not available being ^{on} at sick list, the respondents were helpless. In this situation, we do not think it necessary to enter into that controversy.

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6. We make it clear that the question of inter se seniority or any rate ~~past~~ seniority as such not being the question directly involved in the instant OA, we do not express any opinion on that aspect.

7. It appears that the applicant is not satisfied with the arrangement under the order dated 3-4-1996. However, it will be open to the applicant to adopt such legal course in that respect that ^{may} be permissible in accordance with law.

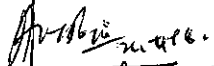
8. For the foregoing reasons, the OA is dismissed.

9. A copy of the order dated 3-4-1996 produced by Sri Rajeswara Rao, is taken on record and shall be retained as part of the record.


(H. Rajendra Prasad)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : April 10, 96
Dictated in Open Court


Deputy Registrar (D) CC

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To

1. Sr.Divisional Commercial Manager(BG)
Sanchalan Bhavan, SC Rly, Secunderabad.
2. The Divisional Railway Manager,
Broad Gauge, SC Rly, Sanchalan Bhavan,
Secunderabad.
3. Mr. B.K.Singh, Chief Ticket Inspector(BG)
SC Rly, Hyderabad.
(Through Station Superintendent,
SC Rly, Hyderabad).
4. One copy to Mr.J.M.Baidu, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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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 :M(A)

Dated: 10-4-1996

ORDER/JUDGMENT

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

in

O.A.No. 436/96

T.A.No. (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.

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No spare copy

