

36
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.568/96.

Dt. of Decision : 17-12-98.

P.Tirupati Raju

..Applicant.

Vs

1. The Union of India, rep. by the Divisional Rly. Manager, SE Rly, Visakhapatnam.
2. The Sr.D.EN., (Co-ordination), SE Rly, Visakhapatnam.
3. The Sr.Divl.Personnel Officer, SE Rly, Visakhapatnam.

..Respondents.

Counsel for the applicant

: Mr. Y.Subrahmanyam

Counsel for the respondents

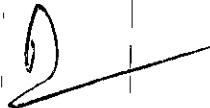
: Mr.C.V.Malla Reddy, SC for Rlys.

CORAM:-

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

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





..2

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.K.Venkateswara Rao for Mr.Y.Subrahmanyam, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned counsel for the respondents.

2. The applicant in this OA was appointed as a Regular Gangman w.e.f., 1-10-83 in the open line. He was promoted as Sr. Gangman in the scale of pay of Rs.800-1150/- in terms of ^m ~~order of~~ A.E.N. S.E.Railway, Araku No.E/2/Pt.XII, dated 13-11-92 (Page-12 to the OA).

3. The applicant was asked to ~~xxxxxx~~ officiate on adhoc basis as P.W.Mistry in the scale of pay of Rs.1400-2300/- w.e.f., 31-7-89 and he continued to work as P.W.Mistry under Sr.Project Manager (Con), Visakhapatnam. The applicant submits that as a one time exception Gangman, Sr.Gangman along with P.W.Mates and P.W.Mistries working on adhoc basis in terms of C.P.O's letter No.E/L/P/PNM/IM/DEN/Pt.II dated 7-4-95 ^{wth} called for the posts with regular promotion as P.W.Mistry. ~~xxxxx~~ Further the applicant submits that the Dy.Chief Engineer (Construction), Visakhapatnam under memo No.P/145/89 dated 28/31-7-89 declared the applicant along with others as ~~passed qualified~~ for promotion to the posts of P.W.Mistry in the scale of Rs.1400-2300/- in a trade test conducted by duly constituted committee. The applicant submits that since the applicant had passed the suitability test conducted by a selection committee, the applicant should have been exempted from appearing for the above test again on the basis of principles laid down by the Board and circulated under Establishment Sl.No.83/76. However, the applicant submits that he responded to the call of selection and appeared for the selection and was also declared as passed by the letter of DPO, Waltair No.WPY/446/PWM, dt. 1-3-96.

The applicant states that the respondents without connecting and updating service sheets for seniority in ^{the cadre} respect of promotion as Sr.Gangman vide Office order dated 13-12-92 dropped the name of ^{as P.W.M} the applicant from the select list and empanelling his/juniors in the select list. The applicant adds that it is ^{an} ^{and} error had ~~not~~ happened because of ^{not} entering his name ~~as~~ regular promotion as Sr.Gangman ^{Sr.} in the service record as he ~~was~~ already been promoted regular/Gangman regularly by order dated 13-11-92 (Annex Page-12 to the OA).

4. This OA is filed to review the select list for the post of P.W.Mistry vide DRM(P), Visakhapatnam issued by Memo No.WP/446/PWM dated 25-4-96 and incorporate the name of the applicant at the appropriate place therein as Sr.Gangman w.e.f., 30-11-92.

5. No reply has been filed in this OA. The learned counsel for the respondents submits that the said affected persons are not impleaded in the OA. In our opinion that is not necessary as the office order No.E/2/Pt.XII dated 13-11-92 (Page-12 to the OA) does not indicate that the promotion given by the office order is only adhoc. It clearly states that the applicant was a Jr.Gangman ~~working~~ ^{and he was} working in the scale of pay of Rs.775-1025/- ~~and promoted as~~ Sr.Gangman in the scale of pay of Rs.800-1150/- against the existing vacancies under PWI/SUP. The order is very clear and this order cannot be read as an adhoc promotion to the post of Sr.Gangman. This is a regular promotion to the post of Sr.Gangman. Hence, the applicant should be treated as having been promoted regularly as Sr.Gangman in terms of office order dated 13-11-92 and the same should be corrected if it is wrongly ~~promoted~~ ^{shown} as adhoc promotion in the service record. On that basis the eligibility of the applicant for promotion to the P.W.Mistry should be considered, ~~and~~ If he had already appeared for the selection and because of treating him as an adhoc senior Gangman his name was deleted from the panel his case should be reviewed and his promotion

-4-

should be suitably decided on the basis of treating him as regular Senior Gangman w.e.f., 13-11-1992.

6. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)

MEMBER (JUDL.)

17/12/98

Dated : The 17th Dec. 1998.
(Dictated in the Open Court)


(R. RANGARAJAN)

MEMBER (ADMN.)

spr

7/1/99 8/
II COURT

copy to : -

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

1) D.R (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

2) Speed

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

AND

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

DATED: 17/1/99

ORDER/JUDGMENT

MAY/R.A./C.P.No.

in

OA.NO. 568/98

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

2 copy

