

Vacation Court
21/5

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

ORIGINAL APPLICATION

628 OF 1996

S. K. B. Basha

shri K. Ram Mohan Rao & others Applicant(s)

VERSUS

The General Manager, Sc Railway

Sec-had and 2 others

RESPONDENT(S)

The application has been submitted to the Tribunal by

shri G. Vidya Sagar Advocate/Party-in-

person under section 19 of the Administrative Tribunal Act,

1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the Administrative Tribunal (procedure) Rule 1987.

The application is in order and may be listed for admission on 21-5-96

2015
SCRUTINY ASST.

20596
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. Yes

12. Has the Index of documents been filed, and pagination done properly. Yes

13. Has the applicant exhausted all available remedies. Yes

14. Has the declaration as required by item NO. 7 of form, I been made. Yes

15. Have required number of envelops (file size) bearing full address of the respondents been filed. Yes

16. (a) Whether the relief sought for, arise out of single cause of action.

(b) Whether any interim relief is prayed for.

17. In case an MA for condonation of delay in filed is it supported by an affidavit of the applicant. Yes

18. Whether this case can be heard by single Bench.

19. Any other point.

20. Result of the scrutiny with intial of the scrutiny clerk. may be filed

On
20/5/96.
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

Dairy No. : 1613/96

Report in the Scrutiny of Application.

Presented by Mr. G. Vidyasagar..... Date of Presentation. 20/5/96

Applicant (s) ... S. K. B. Basha. M. 9. 00.

Respondent(s) ... The C. M. S. R. H. S. Sec. bad & 2 co.

Nature of grievance ... Absorption.....

No of applicants 10 No. of Respondents. 3

CLASSIFICATION

Subject (No.) Department/Section (No.)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations. Yes)
2. Whether name, description and address of all the parties been furnished in the cause title. Yes
3. (a) Has the application been duly signed and verified. Yes
3. (b) Have the copies been duly signed. Yes
3. (c) Have sufficient number of copies of the application been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether english translation of documents in a language other than english or Hindi been filed. -
6. Is the application on in time, (See Section 21) Yes
7. Has the Vakalatnama/Memo of Appearance/authorisation been filed. Yes
8. Is the application maintainability. (U/s 2, 14, 18, or U.R. 8 etc.) Yes
9. Is the application accompanied IPO/DD, for Rs. 50/- Yes
10. Has the impugned orders Original, duly attested legible copy been filed. Yes

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

INDEX SHEET

O.A. NO.

628 of 1996

CAUSE TITLE

S. K. B. Basheer

VERSUS

The Govt. of Andhra Pradesh and others

Sl. NO.	Description of documents	Page No.
1.	Original Application	1 to 12
2.	Material papers	13 to 28
3.	Vakalat	One
4.	Objection Sheet	—
5.	Spare Copies	(2) Two
6.	Covers	(2) Two

Regd - To direct the Respondents to absorb the applicants in the existing posts of Console Operators / Data base operators in the Scale of Rs 1600-2660. by quashing the notifications dt 7.5.96.

Bench Case

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

Absorption

Railways (C)

RAILWAY

O.A. NO. 628 OF 1996

Between:

S. K. B. Bleashiq
K. Ram Mohan Rao and others

... Applicants

and

General Manager
South Central Railway
Railnilayam, Secunderabad
and two others

20 MAY 1996 Respondents



CHRONOLOGICAL EVENTS UNDER THE APPLICATION

Sl. No.	Date	Description	Page NOS.	Para NOS.
01.	February 89	Installed computerisation system at Secunderabad	3	2
02.	May 1989	computerisation system was in operation	3	2
03.	September 94	Dispensed with new system	4	2
04.	11.4.89	Notification -calling for application for the post of Console Operators	5	2
05.	15.2.93	Railway Board issued order - prescribing the staffing pattern	6	2
06.	22.3.95	Representation of the applicants for placing them in the cadre	6	2
07.	January 95	New system fully operational	6	2
08.	2.5.95	representation to the Regd. Labour Commissioner (C)	6	2
09.	25.8.95	Representation - to intervene the matter	7	2
10.	21.2.96	Entered into settlement U/S 2(3) of I.D. Act	7	3
11.	8.4.96	Applicants made representation for absorbtion	7	3
12.	7.5.96	Notification issued calling for applicants	7	3

Recd copy at 12 Hrs.

Smt. Amari

21/5/96

for SCBly

Sl. No.	Date	Description	Page Nos.	Para Nos.
13.	27.10.95	In the Nothern Railway the existing operator have absorbed vide office order	8	5
14.	21.7.88	Notification - prescrib- ing the pattern	8	5
15.	26.3.70	Board Circular -recomm- ended staffing pattern	9	7

Hyderabad
Date: 19.05.1996


COUNSEL FOR APPLICANTS

IN CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A. NO. 628 OF 1996

Between:

SK.B. Bleashar
K. Ram Mohan Rao and others ... Applicants

and

General Manager
South Central Railway
Railnilayam, Secunderabad
and two others

... Respondents

I N D E X

Sl. No.	Date	Description	Annx. Nos.	Page Nos.
01.		Original Application		1-12
02.		Particulars of the Applicants	I	13
03.	11.4.89	Circular No.P(C)/535/ CPRS - filling up the posts of console oprts.	II	14
04.	15.2.93	No.E(NG) I/87/PM16/3 - Evolving a suitable staff	III	15-17
05.	28.11.89	No.CP/535/2/ECRC/ vol.II - filling up the vacancies of ECRs under CPM/PRS/SC	IV	18
06.	11.10.95	No.C/CR/Staff/ECRC/r1 letter addressed by R.m 3	V	19-22
07.	5.1.96	Selection for the post of Sr.cadre of console operators	VI	23
08.	10.1.96	Notice - No.220-E/ B6/Co/Pt.III/EIC	VII	24-25
09.	21.2.96	Memorandum of settle ment	VIII	26-27
10.	7.5.96	No.P(C)/605/ECRCs/ Console Oprs.formal of panel...	IX	28-29


COUNSEL FOR APPLICANTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.NO. 628 OF 1996

Between:

S.K.B. Basheer
K. Ram Mohan Rao
and 9 others

... Applicants

and

General Manager
South Central Railway
Railnilayam, Secunderabad
and two others

... Respondents

PARTICULARS OF THE APPLICATION

I. PARTICULARS OF THE APPLICANTS:

01. S.K.B. Basheer
s/o Meera Sahib, aged 45 years
Sr. ECRC, South Central Railway, Secunderabad
Electronics Computer Railway Counter.
02. K. Mukund Kumar
s/o Late Suryanarayana, aged 44 years
Sr. ECRC, South Central Railway, Secunderabad
Electronics Computer Railway Counter.
03. A.S.R. Murty
s/o A. Venkateswar Rao, aged 42 years
Sr. ECRC, South Central Railway, Secunderabad
Electronics Computer Railway Counter.
04. C. Sudhakar
s/o C. Seshagirirao, aged 40 years
Sr. ECRC, South Central Railway, Secunderabad
Electronics Computer Railway Counter.
05. K. Ram Mohan Rao
s/o Late K. Venkateswarlu, aged 45 years
Sr. ECRC, South Central Railway, Secunderabad
Electronics Computer Railway Counter.
06. V. Srinivas
s/o Late V.M. Sharma, 34 years
ECRC, South Central Railway, Secunderabad
Electronics Computer Railway Counter.
07. M.V. Sastry
s/o Late Jayaram Murty, aged 45 years
Instructor, South Central Railway, Secunderabad
Electronics Computer Railway Counter.
08. B. Bhaskaran
s/o Radhakrishnan, aged 42 years
ECRC, South Central Railway, Secunderabad
Electronics Computer Railway Counter.

09. D.Nanda Kumar
s/o S.Dayanandam, aged 43 years
Sr. ECRC, South Central Railway
Secunderabad
Electrical Console Operator Computer.
10. T. Venkat
Late T.Jayaram Naidu, 35 years
Sr. ECRC, South Central Railway
Secunderabad
Electrical Console Operator Computer.

The addresses of the applicants for service
of all notices and other process is that of
his counsel M/s G.Vidyasagar, K.Udayasree,
S.Prabhakar Reddy & P.Sudheer Rao,
Advocates at 719, Venkateswara Temple Lane
Chikkadpalli, Hyderabad-500 020.

II. PARTICULARS OF RESPONDENTS:

1. General Manager
South Central Railway
Railnilayam, Secunderabad
2. Chief Commercial Manager
South Central Railway
Secunderabad
3. Chief Personnel Officer
South Central Railway
Secunderabad.

III. PARTICULARS OF THE IMPUGNED ORDER:

The present O.A. is filed challenging
the action of the respondents in not allowing the
applicants in the existing posts of console
operator and data base operators and issuing
the circular No.P(C)/605/ECRCS/Console OPTRS
dated 7.5.1996 calling for applicants for
promotion to the post of console and data base
operators as illegal and arbitrary.

IV. JURISDICTION:

The applicants submit that the Hon'ble Tribunal has jurisdiction over the subject matter of the application. / S. 14 of C A T. Act, 1985

V. LIMITATION:

The applicants submit that the present O.A. is within limitation. U/S. 21 of A.T. Act 1985

VI. BRIEF FACTS OF THE CASE:

1. It is submitted that the applicant herein have been initially appointed as Enquiry-cum-Reservation Clerks. The date of appointment and other particulars mentioned in the Annexure-I attached to this application.

2. It is submitted that the South Central Railway has taken decision in 1987 for computerisation of passengers' reservation system. The Enquiry-cum-Reservation Clerks (ECRS) who were willing to work in the project were draft to the said task. The said ECRCs were utilized for creation and designing of environment of reservation activities and executing the tasks relating to the computers. The computerisation has come into operation in May, 1989. The Chief Commerical Manager (Computer Reservation) is the Head of Department situated at Secunderabad. Initially the computerisation system was installed during February, 1989 by CMC Staff.

The Console Operators and data base inspectors would be monitoring all the terminals in the zone and SC terminals located in Major cities outside the zone. Initially at the time of operation in 1989, there were 30 terminals at three locations in the twin cities of Hyderabad. At present, there are 240 terminals in 63 locations, throughout the zone and outside. The Personnel have to monitor all the terminals located in South Central Railway Zone and foreign terminals located in S.C. Railway. The applicants were responsible for successful operation of the computerisation from 1989 onwards. During 1994, the original system which was installed during February, 1989 has been dispensed with and new system has been installed in September, 1994. The applicants were responsible for testing, evaluation of the entire application software and for its implementation for the first time in the Indian Railways successfully and coordination has been extended to the utmost satisfaction of the Management and the public. The applicants are also responsible for guiding and training the staff in handling the communication and reservation activities in various terminals located in different parts of the zone. The applicants provide operational support for the main frame system having about 240 local and remote terminals in their day-to-day operations and

to interact with various maintenance of organisation for ensuring maximum up time of the computers and its peripherals, implementation of various security and operational procedure, time shut down, boot up, recovery and back up generation of various timely reports as required for administration and to attend the problems.

3. It is submitted that inspite of sincere and honest efforts put by the applicants, they have not been put in the proper cadre to which they are entitled to. The Railway Board has created a cadre of Console Operators in Electronic Data Processing Centre with entry grade of console operators in the scale of Rs.1600-2660 with avenues of promotion. The applicants herein have been making representations for placing them in appropriate cadre. While so, a notification No.P(c)/535/CPRS/ dated 11.4.1989 (Annexure-II) was issued by the Respondent No.3 calling for applications for the post of Console Operators in computerisation of passenger system, from various Departments/ Division. The Trade Unions have objected for calling for the application from all the Departments and insisted for drafting the Personnel from user cadre. After prolonged

negotiations and discussions, the Railway Board has issued order vide proceedings No. E(WG) /I/⁸⁷FM/16/3 dated 15.2.1993 prescribing the staffing pattern for computer activities in Railways. Para (2) of the said notification deals with console Operators which is reproduced as Annexure-III. The applicants herein are drafted from the user cadre, i.e. ECRCs. While they were awaiting for absorption in the cadre for presenting the cadre strength, the new system has been introduced in 1994 and the applicants were assured with absorption in the cadre on successful installation and operation of new system which became fully operational in January, 1995. But the cadre strength was not created nor the applicants were absorbed in the cadre. Therefore the applicants made fresh representation on 28.1.1995 to the respondents 2 and 3. The Applicants vide representation dated 22.3.95 made representation for difference of salary and other emoluments by duly placing them in the scale of Rs.1600-2660. As there was no response, the applicants were constrained to make representation to the Regional Labour Commissioner (Central) on 2.5.1995. Thereafter the conciliation application was made to the Regional Labour Commissioner to

intervene in the matter vide representation dated 25.8.1995. During the conciliation proceedings, settlement was entered into Under Section 2(3) of the I.D. Act on 21.2.1996 for creation of 3 posts of data base operators and 6 posts of console operators and the Management agree too. Thereafter, the applicants made ~~prese~~ representation dated 8.4.1996 for absorbing the applicants in the cadres created in pursuance of settlement entered into before the Regional Labour Commissioner. While so, a notification dated 7.5.1996 was issued calling for applications from ECRCs who have rendered 2 years service in the posts held by them.

4. It is submitted that the action of the respondents in calling for the application from all the candidates without absorbing the applicants who have been working for the last 6 to 7 years is wholly illegal and unjustified.

5. It is submitted that the computerisation of passenger reservation system is in operation in Bombay, Delhi, Madras, Calcutta apart from Secunderabad. In all other centres the persons who are drafted from the other cadres for the computerisation have been absorbed in the respective cadres, duly relaxing the selection procedure. Keeping in view the efforts put by them in successful operation

of the system and maintenance round the clock. In the Northern Railway the existing operators have been absorbed by conducting only visa-vite test among the staff who are being utilized as console operators and they were given posting vide office order dated 27.10.1995. The applicants who are already been utilized as console operators ^{and} ~~as~~ data base operators are also entitled for similar treatment without insisting them to compete with outsiders who have not been associated with computerisation of passenger reservation system which is wholly illegal and unjustified.

6. It is submitted that in South Central Railway also while prescribing the pattern for computers/micro computers who are already working in the respective computers through a screen committee consisting of three senior scale officers vide notification dated 21.7.1988. The applicants herein who are also working as console operators, data base operators are entitled to be absorbed by constituting separate screen committee for the posts created at their instance as done in case of Northern Railway.

7. It is submitted that the system will run round the clock requiring 2 console operators per shift with one rest giver and

one leave reserve. The said staffing pattern was recommended by the Board vide Circular NO.E(NG)/I/69 PMI/23 dated 26.3.1970 issued by Jr.Director (Est) Railway Board. However for the reasons best known by only 6 console operator posts are created. That apart the work load requires more console operators. At present 4 data base operators are working and looking after 5 Divisions and only 3 posts were sanctioned. Thus there was no proper application of mind while creating posts of console operators and data base operators.

8. It is submitted that the applicants are performing the duties of console operators/ data base operators ever since they are drafted ~~disseeted~~ to computerisation of passenger reservation system. Therefore, they are entitled to entry grade scale of Rs.1600-2660 on the ground of equal pay for equal work.

9. It is submitted that the posts of six console operators and three data base operators are created after the repeated representation demands and ultimately leading to settlement before the Regional Labour Commissioner (Central). However, the applicants are not being preferred while filling up the posts which is wholly arbitrary and unjustified.

VII. DETAILS OF THE REMEDIES EXHAUSTED:

The applicantssubmitx that they have no other alternative, effective or effeicacious remedy except to invoke the jurisdiction of the Hon'ble Tribunal.

VIII. MATTERS NOT PENDING WITH ANY OTHER COURT ETC:

The applicants further submit that they have not filed any other petition nor any proceedings pending concerning the subject matter of the application.

IX. MAIN RELIEF:

It is prayed that the Hon'ble Tribunal may be pleased to direct the respondents to absorb the applicants in the posts of console operators/data base operators in the scale of Rs.1600-2660 in the existing posts from the date of initial placement in computerised passenger reservation system with consequential benefits and pass such other relief or relief as the Hon'ble Tribunal deems fit and proper in the circumstances of the case.

(C) 605 E LRCs
Console OPTRS
D-7/5/96
CIVIL NO (P)

X. INTERIM RELIEF:

Pending disposal of O.A. it is
prayed that the

(i) Hon'ble tribunal may be pleased
to stay all further proceedings
in pursuance of circular NO.
P(C)/605/ECRCS/Console Optrs.
dated 7.5.1996 issued by the
3rd respondent;

(ii) Hon'ble Tribunal may be pleased
to direct the respondents to
continue the applicants as
console operators/data base
operators and grant

and grant such other relief or reliefs
as deem fit and proper in the circumstances
of the case.

✓ Rs. 50/-
U.D.C. (Data Base)

XI. POSTAL ORDERS:

1. No. of Postal order/s:	Q.12.2 11157
2. Name of the Issuing PO:	Q. P. O.
3. Date of Postal orders:	20/5/96
4. Amount of Postal order:	50/-

(1) S.K.B. Basha S. K. Basha (2) K. Mukund Kumar K. Mukund Kumar
(3) A.S.R. Murthy A.S.R. Murthy (4) C. Sudhakar C. Sudhakar
(5) K. Rama Mohan Rao K. R. M. Rao (6) V. Srinivas V. Srinivas
(7) M.V. Murthy M. V. Murthy (8) R. Bhaskaran R. Bhaskaran
(9) D. Nand Kumar D. Nand Kumar (10) T. Venkat T. Venkat

VERIFICATION

We i.e. (1) S.K.B. Basha s/o Late m. Saheb (2) K. Mukund Kumar s/o. Late Suryanarayana (3) A.S.R. Murthy s/o A. Venkateswara Rao (4) C. Sudhakar Rao s/o C. Seshagiri Rao (5) K. Rama Moham Rao s/o Late K. Venkateswarlu (6) V. Srinivas s/o late M.M. Sharma (7) M.V. Sastry s/o Late Jayaram (8) R. Bhaskaran s/o Radhakrishna (9) D. Nankumar s/o. D. Dayanandam (10) T. Venkat s/o late T. Sayaram Naidu do hereby verify that the contents in the above paras are true and correct to the best of our knowledge and belief Hence veriried.


Counsel for Applicants.

(1) S.K.B. Basha S. K. Basha (2) K. Mukund Kumar K. Mukund Kumar
(3) A.S.R. Murthy A. S. R. Murthy (4) C. Sudhakar C. Sudhakar
(5) K. Rama Mohan Rao K. R. M. Rao (6) V. Srinivas V. Srinivas
(7) M.V. Sastry M. V. Sastry (8) R. Bhaskaran R. Bhaskaran
(9) D. Nan Kumar D. N. Kumar (10) T. Venkat T. Venkat

PARTICULARS OF THE A P P L I C A N T S

Sl. No.	Name of the Applicants	Father's Name	Aged/ Years	Date of initial appointment	Post held	Date of posting in present cadre	Present Grade/ Scale of pay
01.	S.K.B. Bash	Late Meera Sahib	45	3.1.1972	Sr. ECRC	1.11.89	Rs.1400-2300
02.	K.Mukund Kumar	Late Suryanarayana	44	10.4.72	Sr. ECRC	1.5.90	Rs.1400-2300
03.	A.S.R. Murty	A.Venkateswar Rao	42	26.9.77	Sr. ECRC	9.4.89	Rs.1400-2300
04.	C.Sudhakar	C.Seshagiri Rao	40	16.4.80	Sr. ECRC	7.4.89	Rs.1400-2300
05.	K.Ram Mohan Rao	Late K.Venkateswarulu	45	21.11.71	ECRS	7.4.89	Rs.1600-2660
06.	V.Srinivas	Late V.M.Sharma	34	21.4.86	ECRC	7.12.90	Rs.1200-2040
07.	M.V.Sastry	Late Jayaram Murty	45	3.1.72	Instructor	22.10.87	Rs.1600-2660
08.	R.Bhaskaran	Radhakrishnan	42		ECRC	6.7.90	Rs.1200-2040
09.	D.Nanda Kumar	S.Dayanandam	43	1.9.74	Sr. ECRC	30.5.89	Rs.1400-2300
10.	T. Venkat	Late T.Sayaram Naidu	35	2.3.85	Sr. ECRC	1.10.92	Rs.1400-2300

CCS/SC; CCS/SC; CPG/SC; CSC/SC; CO.S/SC; CTPS/SC;
 Secy.tn G.M/SC; SDGM/SC; CPRO/SC; DE(PL)/SC; COS/SC;
 CSTE/SC; CSTE(C)/SC; CEE/SC; DRM/BG/SC; DRM/MG/HYB;
 CAOR/SC; FA&CAO/SC; FA&CAO(C)/SC; EOP Centre/SC;
 CUM/LGD; UM/EWS/LGD; CWM/S&T/MFT; Dy.CNS/LGD; DCOS/MFT;
 S.O/SC; PS(P&S)/SC; Sr.DAO/3G/SC; Sr.DAO/MG/HYB;
 Sr.DCS/RG/SC; Sr.DCS/MG/HYB; VAO/LGD; Sr.DSTE/BG/SC;
 Sr.DSTE/MG/HYB; DSTE(MG-H)/SC; Sr.DEN/BG/SC; Sr.DEN/MG/HYB;
 Sr.DME/BG/SC; Sr.DME/HYB; Sr.DOS/BG/SC; Sr.DOS/MG/HYB;
 Sr.DEE/BG/SC; Sr.DEE/MG/HYB; Sr.DPO/DG/SC; Sr.DPO/MG/HYB;
 DSC/BG/SC; DSC/MG/HYB; ACS/Reservation/SC; SS/GAZ/SC;
 SS/GAZ/HYB; Principal ZTS/MLY; Principal STS/SC; Principal,
 Railway Degree College/LGD/SC;

Sub:- Filling up the posts of Console operators,
 scale Rs.2000-3200(RSRP) & Gr.Rs.1600-2660
 in Computerisation Reservation System/SC.

1. It is proposed to conduct selection to fill up the posts of passenger of passenger Console operators in scale Rs.2000-3200 (3 posts; 1-SC, 2-0Cs) and in Gr.Rs.1600-2660 (4 posts; 1-SC, 1-ST, 2-0Cs) in computerisation of passenger Reservation System/SC treating the posts as ex-cadre on adhoc basis.

2. Volunteers are hereby called for from the employees working in one grade below than the post applied for in SC divn. HYB divn. area, Zonal Headquarters, EOP centre, Workshops and stores situated in SC area with the following qualifications.

(a) Volunteers should be graduates preferably in science. Possess an aptitude for computer programming and machine operator, preferably possessing a Diploma from recognised Institute.

(b) Preferably not more than 45 years of age as on 1.4.89.

The eligible applicants are required to appear for written test followed by vive-voca. The syllabus for the written test is as under:-

a) Console operator, scale Rs.2000-3200(RSRP).

Arithmetic .. Class 12th standard.

Mathematics .. --do--

and Aptitude test.

b) Console operator, scale Rs.1600-2660(RSRP).

Arithmetic .. class 10th standard.

Mathematics .. --do--

and Aptitude test.

The filling employees who are having the above qualifications may apply in the proforma (on the reverse) to their respective division/units on or before 25.4.89. The units concerned are required to consolidate the applications of the volunteers duly certifying the information filled by the applicants before 26/4/89 to APO(C)/H4/SC.

(R.GOPALA RAO)

FOR CHIEF PERSONNEL OFFICER.

1/- O.P/PRS/SC & CCS/SC for information.
 2/- Dy.CPO/GAZ; Dy.C.O/CEW and All SPOs/APOs in HQs.offices

53369 (15)

5417

ANW-ITI

Ref. No. and Date

Date 18/2

GOVERNMENT OF INDIA/BHARAT SAMKALAN
MINISTRY OF RAILWAYS/RAIL MINISTRALAYA
(RAILWAY BOARD)
Treasurer of Guernsey

R.R.E. No. 223

NO.E(NG)I/87/PM16/3

New Delhi, dated 15. 2. 93

The General Managers (PT) & CB,
All Indian Railways &
Guernsey

The question of evolving a suitable Staffing Pattern for expansion of Computer activities on Railways has been under consideration of the Board for sometime. The matter has since been considered in consultation with both the recognised Federations and it has been decided that the staffing pattern for computer activities on the Railways now onwards will be as indicated in the enclosed note.

2. With the issue of these orders, the freeze orders on filling up the vacancies of Asstt. Programmers issued under Board's letter of even number dated 12/2/1992, stand lifted. The panels duly formed as per the existing rules before the vacancies were frozen may now be operated and further vacancies filled as per the revised orders.

3. Please acknowledge receipt.

R. P. Lall
(R. P. LALL)
DIRECTOR ESTABLISHMENT (N)
RAILWAY BOARD.

NO.E(NG)I/87/PM16/3

New Delhi, dated 15.2.93

Copy to: 1. The General Secretary, All India Railwaymen's Federation, 4, State Entry Road, New Delhi-110 055.

2. The General Secretary, National Federation of Indian Railwaymen, 3, Chelmsford Road, New Delhi-110 055.

K. Subrahmanian
for SECRETARY / RAILWAY BOARD.

Copy to:-

PS to CRW, FC, RS, MP, ML, MR,

Adv (L.C.), Adv (Comm.), Adv (C&S),
Adv (L.C.S.), Adv (C&S), Adv (L.C.), Adv, Adv (G), Adv (N), EDPC,
Adv (L.C.), Adv (C&S), Adv (L.C.), Adv (G), Adv (L.C.P.), Adv (L.C.) I & II,
Adv (L.C.), Adv (L.C.), Adv (L.C.) I, Adv (L.C.) II (2 copies).
L (L.C.) I (60 copies) - PNM 4/RF 22/89

✓

(16)

THE NUCLEAR ENERGY BOARD'S LETTER NUMBER 1/2/1984/3
DATED 15.2.1984 REGARDING STAFFING PATTERN FOR COMPUTER
ACTIVITIES

1. DATA ENTRY OPERATORS

1.1 With User friendly softwares, the need for Data Entry Operators should come down.

1.2 PRS/DIVISIONAL/WORKSHOPS/STORES DEPOT COMPUTERS

- (a) The need for Data Entry Operators in the above units should be minimal and 'on line' operation should be developed, as for example, ECRCs in PRS directly work on the terminals eliminating the need for Data Entry Operators.
- (b) For the small nucleus of Data Entry Operators that may be required in the above units, direct recruitment may not be resorted to, but graduate volunteers of user departments of the concerned units in scale Rs.1200-2040 with Grade 'A' or 'B' in aptitude test may be considered for posting as Data Entry Operators in scale Rs.1350-2200 on ex-cadre basis through a positive act of selection.
- (c) The higher grade posts in the category of Data Entry Operators should also be filled on ex-cadre basis through a positive act of selection from the eligible units in the same grade or minimum 2 years service in the immediate lower grade in their own cadre, with Grade 'A' or 'B' in aptitude test.

1.3 ZONAL/P.U. COMPUTERS

Since the Data Entry system in Zonal/P.U. EDP Centres is already in vogue and since the applications are more of a general nature, the existing separate cadre of Data Entry Operators in Zonal/P.U. EDP Centres will continue.

1.4 However, in partial modification of Board's orders No. PC-III/84/UPG/9 dated 16/11/1984, it has been decided that there will be no direct recruitment of DECs at any level. Instead volunteering graduate employees of any department in scale Rs.1200-2040 with Grade 'A' or 'B' in aptitude test will be considered for posting as Data Entry Operator (Rs.1350-2200). Once the staff join the Data Entry Operators' cadre in Zonal/P.U. EDP Centres they will progress in that cadre.

- 2 -

2. CONSOLE OPERATIONS

2.1 Vacancies in the stream of Console Operators in PHS will be filled on ex-cadre selection basis from amongst volunteering graduate ECRCs who qualify in the aptitude test in Grade 'A' or 'B'. Only those ECRCs will be considered who are in the same grade or have rendered minimum two years service in the immediate lower grade in their own cadre.

2.2 Vacancies in the stream of Console Operators in Divisional/Workshops/Stores Depots will be filled on ex-cadre selection basis from volunteering graduate employees from the user departments of the concerned units who qualify in the aptitude test in grade 'A' or 'B'. Only those employees will be considered who are in the same grade or have rendered minimum 2 years service in the immediate lower grade in their own cadre.

2.3 Vacancies of Console Operators in Zonal/P.U. EDP Centres will continue to be filled from the eligible local staff in Data Entry Stream who volunteer. Console Operators' stream in Zonal/P.U. EDP Centres will continue to be treated as a separate cadre.

3. ASSISTANT PROGRAMMES

3.1 PHS/PLV/STL/WORKSHOPS/STORES DEPOT

All vacancies of Asstt. Programmers in these units will be filled on ex-cadre basis, the number being small. Graduation and 'A' or 'B' grade in aptitude test will be insisted upon with volunteering in the same grade or with minimum 2 years service in the immediate lower grade in their own cadre being considered.

3.2 ZONAL/P.U. EDP CENTRES

The posts of Asstt. Programmers in these units will be treated as cadre posts.

In partial modification of para 6 of Board's Order No. E(NG) I/19/PM1/23 dated 26/28-3-1970, it has been decided that the vacancies of Asstt. Programmers in Zonal/P.U. EDP Centres will be filled entirely by promotion, lateral induction of staff in Console Operators' stream in the same grade or with minimum two years service in the immediate lower grade. Only when suitable staff in Console Operators' stream are not available, the posts may be filled from suitable staff in the same grade or with minimum two years service in the immediate lower grade from other areas. Graduation in 'A' or 'B' grade in aptitude test will be insisted upon as at present.

SOUTH CENTRAL MILITARY TACTICAL SECUNDERBARD (BG)
DIV. MGR. (P)'S OFFICE, SECUNDERBARD (BG).
No. CP/535/2/ECRC/Vol.II. Dt: 28-11-1989.

O.O.no. 173 / DRM/Commr. /1989

Sub: Filling up the vacancies of ECRCs under CM/PRS/SC.

The following ECRCs in scale Rs.1400-2300 (RSRP) and Rs.1200-2040 (RSRP), at SC are transferred on their existing pay and scale and posted under CM/PRS/SC against newly created posts of Data Base Inspectors vide Sanction No.C.CPM.D.2/Vol.I dated 3-5-89 and posts of ECRCs vide Sanction No.C.CPM.D2/Vol.I dated 11-6-89.

Sl. No.	Name	Design.	Scale of pay in RSRP
1.	K. Ram Mohan Rao	ECRC	1400-2300
2.	D. Nand Kumar	do	1400-2300
3.	C. Sudhakar	do	1400-2300
4.	V. Ramchandar Rao	ECRC	1200-2040
5.	K. S. Kumar	do	1200-2040
6.	R. Jaya Prakash	do	1200-2040
7.	Sriramachandra Murthy	do	1200-2040
8.	M. Krishna	do	1200-2040
9.	K. Ravinivas Rao	do	1200-2040

II. The above employees are advised that their posting under CM/PRS/SC is purely temporary and they will be posted back to Reservation Complex when regular selections are made for the posts under CM/PRS/SC.

The date on which the above orders are given effect to should be intimated to this office.

b6 27.11.89
DEV. PERSONNEL OFFICER/SC (BG).

C/ CP. O.C., CM/PRS/SC, 2nd Flr., 10th Bldg., 10th Bldg.,
S/No. 1, C/ECRS/SC, OS(P) Bills, 2nd Flr., 10th Bldg.,
2 files, O.O. file. 5 files.

b6 27.11.89
DIVE. MGR. (P) /SC (BG).

11-21-11

The computerised passenger reservation system at Secunderabad area was commissioned in September, 1989. The main frame computer is housed in the first floor of the Secunderabad reservation complex connecting various terminals located at Secunderabad, Kacheguda, Hyderabad and other extension counters situated in twin cities area. Apart from this the terminals situated at different places in all the divisions are also connected to this main frame.

There are a total of 170 terminals used for different activities on this system, out of which the following terminals are provided at counters for booking of passengers in twin city areas

<u>Location</u>	<u>No. of windows</u>	<u>No. of terminals</u>		
		<u>Reservation</u>	<u>Enquiry</u>	<u>Messages</u>
Secunderabad	36	18	8	1
Hyderabad	20	14	1	-
Kacheguda	16	7	-	-
Other Locations.	9	9	-	-
Amravati	--	2		
A.S.Rao Nagar	--	1		
Boiguda	--	1		
Kukatpally	--	1		
Saroor Nagar	--	1		
Darul-Shafa	--	2		
Rail Nilayam	--	1		

The centralised passenger reservation system caters the reservation to passengers for about 178 trains all over South Central Railway on 28 locations.

The present staff strength:

<u>Location</u>	<u>Grade</u>	<u>Actual Strength</u>
Secunderabad	2000-3200	11
	1600-2660	19
	1400-2300	57
	1200-2040	45

		132

Hyderabad	2000-3200	3
	1600-2660	6
	1400-2300	16
	1200-2040	11

		36

Kacheguda	2000-3200	1
	1600-2660	1
	1400-2300	4
	1200-2040	6

		12

	Grand Total:	180

Contd...3.

Headquarters Office,
Commercial Branch,
Secunderabad.

No. C/CR/STZ/ff/2CR/VI

Dt. 11-10-1995.

To
The Regional Labour Commissioner(Central),
Opp. Shivam, A.T.I.Campus,
Vidyanagar,
Hyderabad-500 007.

Sir,

Sub:- I.D. between the Management of M/s. South Central Railway, Secunderabad and their workman represented by S/Sri K. Ramamohan Rao, E&RS & 9 others regarding staffing pattern for Computer activities and fixation of pay & other allowances - Reg.

Ref:- Your office Lr.No. 45/4/95-CI/BI, dt. 13.9.1995.

With reference to the above cited letter, the following remarks are being offered in connection with the above noted subject:

Brief History of the Computer activities:

Passenger Reservation System at Secunderabad was established in the year 1989.

As a part of the passenger amenities to offer more qualitative service to the travelling public, the passenger reservation system underwent radical change from manual booking of reservation to computerised passenger reservation system. The system adopted on S.C.Railway was of 'CIBER' with its location of main frame at Secunderabad with the net work of terminals at Kachaguda and Hyderabad. With the introduction of more number of trains and to facilitate reservations at important places of twin cities area, the necessity has arisen to go in for more reservation terminals at different places. The computerised reservation system is also extended to important stations on South Central Railway. As a result the 'CIBER' system was switched over to 'VAX'. As far as the manpower deployment concerned there was no change in sanctioned strength despite the augmentation of reservation net work.

In the changed scenario of working the Central planning organisation was directed to conduct study as to the assessment of man power on functional requirement basis keeping in view the qualitative public service.

Organisation set up:

The entire organisation of "Computerised Passenger Reservation System" on this Railway is headed by Chief Commercial Manager, Secunderabad who works in coordination with CRIS and CMC for hardware and software maintenance.

With reference to your letter No. 45(4)/95-G dated 27.7.95, this is to clarify that there is no Railway Board order pertaining to PRS directing the Railway for promoting ECRCs working in Database and Console to the grade Rs.1600-2660 (RSRP) as mentioned in your letter and the staff are eligible for promotion to higher grades as per the standard procedure laid down.

Yours faithfully,

Mr. K. Bhaskar
(K. Bhaskar),
Chief Comml. Manager (Genl).

Data Base:

There are two types of functions performed by Database. One is technical in nature which is done by Software Engineers of CRIS and non-technical functions are looked after by ECRCs.

Railway Board vide its letter No. E(NG)I/87/PM16/3, dated 15.2.93 stressed the need for the Data Entry Operators in PRS to be eliminated since ECRCs in PRS directly work on terminals. As such no post of Data Entry Operators exist in PRS. ECRCs working in Database are not part of Data Entry Operators and thus are not covered by Railway Board orders. Even after computerisation of Reservations the ECRCs are executing the same activities which they used to do during the manual days. The exception is that he is interacting with the machine which is already fed with the necessary information and data. This transformation from manual days to computer operators is common in all fields, such as booking, charting, messages, database, console, etc., All these activities are similar in nature and are manned by one and the same ECRCs for which no separate specialised training is imparted. Also the same set of ECRCs work simultaneously in all these reservation activities connected to Passenger Reservation System.

Console:

There is a separate section. Console situated on the first floor of Centralised Passenger Reservation System, Secunderabad. This section works round the clock. The main purpose of the ECRCs working in Console is to sort out the problems, that are faced by operators, working at reservation/message/charting/emergency quota terminals/extension counters/out-stations on S.C.Railway/other Railway terminals either by himself or with the help of CRIS/CME hardware and software Engineers. The operator has to take out reports such as Summary, Daily Trains collection, Daily status reports, etc., and despatching them to concerned sections. During night time, ECRCs working in Console have to take out various print outs of daily performance, skeletal charts, etc.

Vide Railway Board's letter No. E(NG)I/87/PM16/3 dated 15.2.93, ECRCs working in console are to be recruited from among volunteer graduates and ECRCs having completed minimum two years of service in the grade Rs.1200-2040(RSRP) through a positive act of selection. As such the selection is open to the candidates from all other departments also who are graduates. The specific condition that the ECRCs should have minimum service of two years has been stipulated as all the ECRCs are not necessarily graduates.

NORTH EAST RAILWAY

(24)

Headquarters Office,
Baroda House,
New Delhi.

✓ Annex VII

NOTIFICATION

The competent authority has issued the following orders with immediate effect.

- 1) Twelve + Two posts of console operators Gr. Rs. 1600-2600(RPS) were ordered to be operated in Lower Gr. Rs. 1200-2040(RPS) vide this office letter No. 2284-86/L11A dt. 14.8.88 & 16/88, out of which ten posts of console operators were ordered to be operated in Gr. Rs. 1400-2300(RPS) vide this office notice No. 2284-86/L1C dt. 05.9.88.
- 2) The post of console operator w.e.f. 1600-2600(RPS) was ordered to be operated in Lower Gr. Rs. 1400-2300(RPS) vide this office letter No. 2284-86/L11A dt. 14.8.88
- 3) Now, all the above mentioned posts are operated in the original grade Rs. 1600-2600(RPS) with immediate effect.
- 4) The following staff who are soon placed on the panel of console Operator Gr. Rs. 1600-2600(RPS) vide this office letter of even number dated 05.1.89 are hereby promoted as console Operator Gr. Rs. 1600-2600(RPS) against the posts mentioned in para-3 above and also those against the existing vacancies available in this cadre.

S. No & Name	Design.	Gr. (Rs) (RPS)	Date.
1) Mr. Anita Agarwal	EDRS	1600-2600	30/9/88
2) Mr. Usha Birla (Kapoor)	-do-	-do-	-do-
3) Mr. Arvita Kapoor	LARC	1400-2300	-do-
4) Mr. Ranju Kapoor	-do-	-do-	-do-
5) Mr. Charanjit Singh	-do-	-do-	-do-
6) Bindita Sharma	-do-	-do-	-do-
7) Mr. P. K. Sharma	-do-	-do-	-do-
8) Mr. Bhattacharya	-do-	-do-	-do-
9) Urvindar Kumar, D.C.	-do-	-do-	-do-
10) Bhawna Sharma	-do-	-do-	-do-
11) Mr. T. K. Sharma	-do-	-do-	-do-
12) Shreya Kurdia	-do-	-do-	-do-
13) Mr. Pradeep P.	-do-	-do- (170)	-do-
14) Gurjeet Singh	-do-	-do-	-do-
15) Mr. Vidyapal Singh	-do-	-do- (170)	-do-
16) Mr. V. M. Daga	-do-	-do-	-do-

Xents - 2/-



17) Sh. Vipul Sharma.
18) Sh. Yogesh Kr. Grover.

6000 1400-2300
-do- -do-
RCdo
-do-

The post of Console Operators are Lx. Cadre and tenure post. The maximum tenure is 4 (Four) years or till the staff gets promotion in his own cadre whichever is earlier and on completion of tenure period they are liable to be re-patriated to their present cadre.

It may please be ensured that no INF/SEC/EP/Vis. Case is pending against them.

The above precaution orders be effective immediately and this office advised.

Sh. Ford
for S.A.O./TAC

No. 220-C/86/CO/Pr. 114/EIC

Dated: 10.3.1990.

Copy forwarded for information and necessary action to:-

- 1) Chief Comm. Manager/C.R., ITC-Building, New Delhi.
- 2) Manager Tata Sons, ITC-Building, New Delhi.
- 3) ITC/H/L, Baroda House, New Delhi.
- 4) ITC/H/L, Baroda House, New Delhi.
- 5) Manager/ITC, New Delhi.

[Signature]

MEMORANDUM OF SETTLEMENT UNDER SECTION 12(3) OF THE INDUSTRIAL DISPUTES ACT, 1947 BEFORE THE REGIONAL LABOUR COMMISSIONER(CENTRAL), HYDERABAD ON 21-02-1996 IN THE INDUSTRIAL DISPUTE BETWEEN THE MANAGEMENT OF SOUTH CENTRAL RAILWAY, SECUNDERABAD AND THEIR WORKMEN REPRESENTED BY HECRC/CONSOLE OPERATORS S.C.RLY SECUNDERABAD REGARDING STAFFING PATTERN FOR COMPUTER ACTIVITIES AND FIXATION OF PAY AND OTHER ALLOWANCES

PARTIES PRESENT

ON BEHALF OF THE MANAGEMENT OF S.C.RLY/SECUNDERABAD

1. Shri M. Sarjana Rao,
D.B.M./PRS/South Central Railway,
Secunderabad.
2. Shri K. R. K. Mohan,
A.P.O.(T), S.C.Rly, Secunderabad.
3. Shri P. V. Abraham, CHI/S.C.Rly,
Secunderabad.

ON BEHALF OF THE EMPLOYEES OF CONSOLE OPERATORS/SC

1. Shri K. Rama Mohan Rao, ECARS/DATABASE,
S.C.Rly, Secunderabad.
2. Shri M. V. Sastry, HECRC/DATABASE,
S.C.Rly, Secunderabad.
3. Shri V. Srinivas, ECRC/CONSOLE,
S.C.Rly, Secunderabad.
4. Shri A. S. R. Murthy, HECRC/CONSOLE,
S.C.Rly, Secunderabad.
5. Shri C. Sudhakar, HECRC/Console,
S.C.Rly, Secunderabad.

"SHORT RECITAL OF THE CASE"

S/ Shri K. Rama Mohan Rao, ECARS/DATABASE and 9 others, South Central Railway, Secunderabad vide their representation dated 2-3-1995 raised a dispute before the Regional Labour Commissioner(Central), Hyderabad over staffing pattern for Computer activities and fixation of pay and other allowances as per the Railway Board directives. The matter in dispute was held in joint discussions on various dates and finally on 21-02-1996.

On 21-02-1996, when both the parties are present the dispute is admitted in conciliation and

Contd...2.

— 1 — 2 — 3 —

conciliation proceedings are held. During the course of conciliation proceedings, the representatives of the management stated that the action is on hand for processing a selection for filling up of the vacancies etc.

With-S, after prolonged discussions, both the parties with the help and assistance of the Conciliation Officer and the Regional Labour Commissioner (Central), Hyderabad arrived at a settlement on the following terms:

* TERMS OF SETTLEMENT *

1. The management has agreed to create three (3) posts of DATA BASE Operators in the scale of Rs. 1,600/- to Rs. 2,660/- (RSRP).
2. The management has also agreed to create six posts (6) Computer Operators in the Scale of Rs. 1,600/- to Rs. 2,660/- (RSRP).
3. The management also agreed to process and finalizing the selection for filling up of the above vacancies will be done within three months.

Both the parties are requested to submit the implementation report on or before 30-06-1996 to the Regional Labour Commissioner(Central), Hyderabad failing which it will be deemed that the terms of the above settlement have been implemented fully.

SIGNATURE OF THE PARTIES

(M. SARJANA RAO)

(K.R.K. AGHAR)

(P.V. ARUNA)

(K. MUDHURAM RAO)

(M.V. SASTRY)

(V. SUNDIVAS)

(A.S.R. MURTHY)

(C. SUMANAR)

Witnesses

1. (T. VENKATESH) U.D.C.,
O/O the R.L.C. (C), Hyderabad.

2. (Bh. GODAVARI SINGH) Steno,
O/O the RLC(C), Hyderabad.

(A. SUNDARARAJ)
CONCILIATION OFFICER AND
REGIONAL LABOUR COMMISSIONER (CENTRAL)
HYDERABAD

SOUTH CENTRAL RAILWAY

General Manager's Office,
Personnel Branch,
Secunderabad.
Dt. 7-5-96.

No.P(C)605/ECRCs/Console Oprs.

CCG/SC CCG(CR)/SC
IRMS/SC & IRMS

Sub: Formation of panel for promotion
to the post of Console and Data Base
Operators in scale Rs.1600-2660(RSRP)
in IRMS/SC.

-.-

In order to fill up the following 9(6 UR + 2SC + 1ST) temporary vacancies (Ex-Cadre) in IRMS/SC, it is proposed to hold a selection comprising of an Aptitude test grade 'A' or 'B' followed by Viva-voce.

1. Console Operators(Ex-Cadre) scale Rs.1600-2660(RSRP)	6 vacancies (Temporary)
2. Data Base Operators(Ex-Cadre) scale Rs.1600-2660(RSRP)	3 vacancies (Temporary)

Applications are therefore invited from the volunteers in the prescribed proforma (Annexure-I) from the ECRCs working in grade Rs.1600-2660(RSRP) and below who have rendered a minimum service of two years in the posts held by them. The minimum educational qualification insisted for the posts proposed to be filled is graduation.

The volunteers who fulfil the conditions stipulated above may submit their applications to reach the respective DRMs(P) through their controlling officers on or before 31-5-96. The divisions should forward the applications duly certified the eligibility after ~~max~~ necessary verification to reach Headquarters on or before 5-6-96 certain.

The Aptitude test will be held at 10-00 hours in the office of the Chief Commercial Manager(Computer Reservations)/SC on 15-6-96.

The syllabus for viva-voce separately for Console Operators and Data Base Operators is enclosed as Annexure-II and III respectively for circulation among all concerned.

The proposed selection being amongst volunteers, it should be clearly notified to all concerned that no supplementary Aptitude test will be held for absconees if any.

Partha

Contd....2/-

[Signature]

FORM NO.21

(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

DA/ TA / RA / CP / MA / PT 628.0P 1996

...S.K.B.Basha, & ors. Applicant(s)

versus

General manager... Kelly, Respondent(s).
Scalbed. 3203

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Serial No.	Description of Documents	Page
Bocket Orders.		1 - 2
Interim Orders		
Orders In M.A(s)	CT&MA 107281073/96	
Orders in (Final Orders) 19.12.96		3 - 8
	span copy	9 - 11

Certified that the file is complete in
all respects.

Signature of
Dealing Hand
(in Record Section).

6) 2

OT 628/96.

Date	Office Note	Orders
	<u>Before Registration:-</u> 16.7.96 Respondents served. No representation. For memo & R.S. call on 27.8.96. Regd.	
27.8.96	No representation. For memo and R.S. call on 24.9.96. Rept.	<u>19.12.96</u> <u>M.A.1072/96 with M.A.1073/96</u> <u>with O.A.628/96</u> Mr. P. Sudheer for applicants Mr. V. Bhimanna for respondents. Order passed vide separate order sheets. M.A.s stand withdrawn and no order thereon. O.A. is allowed to be withdrawn with liberty to file fresh O.A./O.A. disposed of.
5/11/96	No representation. for memo and re call on 10/12/96. D.P. Regd.	<i>b/w</i> HHRP M(A)
		<i>Vale</i> HMGCC(J) VC

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. NO. 628 of 1996

S. K. B. Bhashy

Applicant (s)

V E R S U S

The C.I.I. Se My Subj

Respondent (s)

Date	Office Note	Orders
<u>21.5.96</u>		<p>Heard Sri Vidyasagar, for the applicant.</p> <p>Admit. Issue notice to the respondents. Counter within 6 weeks.</p> <p>Any further action taken in pursuance of Annexure (C.P.O. SC Rly. Circular No. P(C) 605/ECRCS/Constable Optrs. dt. 7.5.96), is by way of selection and appointment of Data Base Operators and Constable Operators shall be subject to the outcome of this OA.</p> <p style="text-align: right;">S/ 21/5 HHRP M(A)</p> <p style="text-align: center; transform: rotate(-15deg);"><i>Memorandum Report Received on 21/5/96 Circulated by APD/DRY</i></p> <p style="text-align: right; transform: rotate(15deg);"><i>Rehman I. Nohid OA 370</i></p>

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

C.A. No. 628/96 with MAS 1072 & 1073/96
T.R.N.C.

DATE OF DECISION: 19.12.96

SKB Basha & 8 others

PETITIONER(S)

P.Sudheer

ADVOCATE FOR THE PETITIONER(S)

VERSUS

General Manager, SC Railway & 2 others.

RESPONDENT (S)

Mr. V.Bhimanna, Addl. SCGSC

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMVE.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether the Judgement is to be circulated to the other Benches?

M.G.
Judgement delivered by Hon'ble Mr. Justice M.G.Chaudhari, VC

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

M.A.1072/96 with M.A.1073/96
with O.A. 628/96

Date of decision: 19.12.96

Between:

1. S.K.B. Basha
2. K.Mukund Kumar
3. ASR Murty
4. C.Sudhakar
5. K.Ram Mohan Rao
6. V.Srinivas
7. MV Sastry
8. B.Bhaskaran
9. D.Nanda Kumar
10. T.Venkat

... Applicants

and

1. General Manager,
South Central Railway,
Secunderabad.
2. Chief Commercial Manager,
South Central Railway
Secunderabad.
3. Chief Personnel Officer,
South Central Railway,
Secunderabad.

... Respondents

Mr. P.Sudheer for Mr. G.Vidya Sagar .. Counsel for applicants
Mr. V. Bhimanna, Addl.CGSC .. Counsel for respondents

CORAM

HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN
HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

Oral Order (Per Hon'ble Shri Justice M.G. Chaudhari, VC)

By M.A. 1072/96 the applicant seeks amendment of the O.A. by modifying the prayer so as to seek quashing of the notification dated 7.5.96 and the subsequent notification dated 24.10.96 (copy annexed to the M.A.). However, it is stated in the application itself that the applicant had not prayed for quashing the circular dated 7.5.96 in the OA and therefore that amendment becomes necessary, although, in fact, a prayer for quashing the said notification indeed has been made in the OA as it reads. The basis on which that amendment

W.M.

is sought is therefore mis-conceived. Apart from that, it has been stated in para 3 of the M.A. 1072/96 as follows:

"After admission of the OA by this Hon'ble Tribunal the circular dated 7.5.96 was cancelled by the Deputy Chief Personnel Officer vide proceedings No.P(C)/605/ECRCS/Console Optrs. dated 30.9.96"

We fail to understand as to how when the notification dated 7.5.96 does not survive after its cancellation that the prayer for its quashing can be made. The OA was relating only to the notification dated 7.5.96 and therefore, as the cause of action thereon has come to an end, it is rendered infructuous.

2. Coming to the fresh notification issued on 24.10.96, that affords a fresh cause of action to the applicant. That notification has nothing to connect it with the original cause of action which was relating to the earlier notification dated 7.5.96 which, however, does not exist after its cancellation. There is thus no scope for allowing amendment of the O.A. Secondly there is also no scope of considering the prayer for suspension of the notification dated 24.10.96 made in M.A. 1073/96. The applicant should have advised himself to file an independent OA if he was interested in challenging the validity and legality of the notification issued on 24.10.96 and should have prayed for suitable interim relief in such a proceeding. The attempt of the applicant to seek amendment of the original application for that purpose is mis-conceived.

3. Realising this position the learned counsel for the applicants Mr. P.Sudheer seeks permission to withdraw the instant O.A. with liberty to file fresh O.A. to challenge the notification dated 24.10.96. we think that the prayer is justified. Hence the following order:-

O

O R D E R

- (1) No order on MA 1072/96 and it stands withdrawn.
- (2) No order on M.A. 1073/96 and it stands withdrawn.

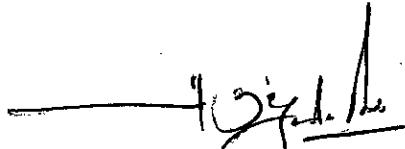
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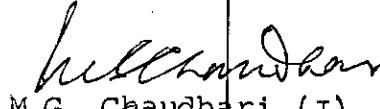
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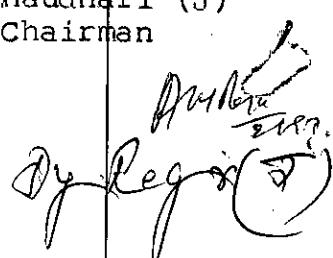
(3) The O.A. is allowed to be withdrawn with liberty to file fresh O.A., if so advised, to challenge the subsequent notification dated 24.10.96. It will be open to the applicant to urge the contentions urged in the instant O.A. in the new O.A. to the extent these may be material for the relief claimed in the ~~instant~~ ^{fresh} O.A.

The O.A. is accordingly disposed of.


H. Rajendra Prasad
Member (Admve.)


M.G. Chaudhari (J)
Vice Chairman

19th December, 1996


Dr. Rego (S)

VM

MA. 1072/96 With
MA. 1073/96 with
OA. 628/96

Copy to:-

1. General Manager, South Central Railway,
Secunderabad.
2. Chief Commercial Manager, South Central
Railway Secunderabad.
3. Chief Personnel Officer, South Central Railway,
Secunderabad.
4. One copy to Mr. P. Sudheer Advocate,
for Mr. G. Vidya Sagar, CAT, Hyd.
5. One copy to Mr. V. Sheemanna, Addl. CGSC, CAT, Hyd.
6. one copy to Library, CAT, Hyd.
7. One spare copy.

kku.

8
24/1/97

I COURT

TYPED BY

CHECHED 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: 19-12-1996

ORDER / JUDGMENT

M.A./R.A/C.A. No. 1092/96 bulk
74-1093/96 on
O.A. No. 628/96
T.A. No. (H.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.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
डेस्पेट/DESPATCH -

21 JAN 1997

हृदयवाल यायदी
HYDERABAD BENCH

(10) is sought is therefore mis-conceived. Apart from that, it has been stated in para 3 of the M.A. 1072/96 as follows:

"After admission of the OA by this Hon'ble Tribunal the circular dated 7.5.96 was cancelled by the Deputy Chief Personnel Officer vide proceedings No.P(C)/605/ECRCS/Console Optrs. dated 30.9.96"

We fail to understand as to how when the notification dated 7.5.96 does not survive after its cancellation that the prayer for its quashing can be made. The OA was relating only to the notification dated 7.5.96 and therefore, as the cause of action thereon has come to an end, it is rendered infructuous.

2. Coming to the fresh notification issued on 24.10.96, that affords a fresh cause of action to the applicant. That notification has nothing to connect it with the original cause of action which was relating to the earlier notification dated 7.5.96 which, however, does not exist after its cancellation. There is thus no scope for allowing amendment of the O.A. Secondly there is also no scope of considering the prayer for suspension of the notification dated 24.10.96 made in M.A. 1073/96.

The applicant should have advised himself to file an independent OA if he was interested in challenging the validity and legality of the notification issued on 24.10.96 and should have prayed for suitable interim relief in such a proceeding. The attempt of the applicant to seek amendment of the original application for that purpose is mis-conceived.

3. Realising this position the learned counsel for the applicants Mr. P.Sudheer seeks permission to withdraw the instant O.A. with liberty to file fresh O.A. to challenge the notification dated 24.10.96. we think that the prayer is justified. Hence the following order:-

O R D E R

- (1) No order on MA 1072/96 and it stands withdrawn.
- (2) No order on M.A. 1073/96 and it stands withdrawn.

full

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

M.A.1072/96 with M.A.1073/96
with O.A. 628/96

Date of decision: 19.12.96

Between:

1. S.K.B. Basha
2. K.Mukund Kumar
3. ASR Murty
4. C.Sudhakar
5. K.Ram Mohan Rao
6. V.Srinivas
7. MV Sastry
8. E.Shaskaran
9. D.Nanda Kumar
10. T.Venkat

... Applicants

and

1. General Manager,
South Central Railway,
Secunderabad.
2. Chief Commercial Manager,
South Central Railway
Secunderabad.
3. Chief Personnel Officer,
South Central Railway,
Secunderabad.

... Respondents

Mr. P.Sudheer for Mr. G.Vidya Sagar .. Counsel for applicants
Mr. V. Bhimanna, Addl.CGSC .. Counsel for respondents

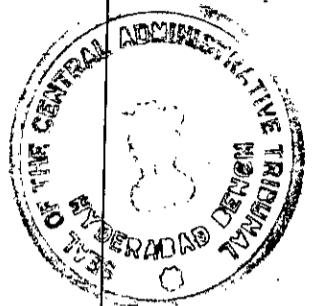
CORAM

HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN
HON'BLE SHRI H. RATENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

Oral Order (Per Hon'ble Shri Justice M.G. Chaudhari, VC)

By M.A. 1072/96 the applicant seeks amendment of the O.A. by modifying the prayer so as to seek quashing of the notification dated 7.5.96 and the subsequent notification dated 24.10.96 (copy annexed to the M.A.). However, it is stated in the application itself that the applicant had not prayed for quashing the circular dated 7.5.96 in the OA and therefore that amendment becomes necessary, although, in fact, a prayer for quashing the said notification indeed has been made in the OA as it reads. The basis on which that amendment



(3) The O.A. is allowed to be withdrawn with liberty to file fresh O.A., if so advised, to challenge the subsequent notification dated 24.10.96. It will be open to the applicant to urge the contentions urged in the instant O.A. in the new O.A. to the extent that may be material for the relief claimed in the ^{fresh} instant O.A.

The Q.A. is accordingly disposed of.