

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

SR 824
Original Application, No. 1552/96

Dt. of decision: 8-7-1996

Between:

1. J. Seshalaiah, and
2. K. Ramaswamy .. Applicants

and

1. Chief Personnel Officer, S.C.Railway,
Secunderabad.
2. Divisional Railway Manager (BG), S.C.Railway,
Secunderabad.
3. Divisional Rly. Manager (P), S.C.Railway,
Secunderabad.
4. Divisional Mechanical Engineer (P),
Hyderabad Division, S.C.Railway,
Secunderabad.

.. Respondents

Counsel for the applicants : Sri S.Lakshma Reddy

Counsel for the respondents: Sri N.V.Ramana

CORAM

Hon'ble Mr.Justice M.G.Chaudhari : Vice Chairman

Hon'ble Mr.H.Rajendra Prasad : Member (A)

JUDGEMENT

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

The two applicants have the grievance that their cases are not being considered for redeployment ^{at} to Electrical Locoshed at Lalaguda in B.G.Division as per their option dt.17-12-1995 to go on bottom seniority and on par with their juniors in Chargeman 'B' grade. Thus, according to

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the applicants the respondents are acting arbitrarily and in violation of Articles 14 and 16 of the Constitution. They therefore pray that the respondents be directed to redeploy them to ELS/LGD as surplus staff for absorption in bottom seniority in the recruitment grade of Rs.1600-2660.

2. The applicants had filed earlier O.A. being No.224/94 seeking promotion as Chargeman 'A' from the post of Chargeman 'B' which they were holding at that time. By order dt. 9-2-95. The respondents were inter alia directed that the suitability of the applicants for the vacancies as on 1-3-1995 may be assessed and they be promoted as Chargeman 'A' on regular basis, if found eligible. Further, the options called for by the end of December, 1994 for training and absorption in the TRS Wing as Chargeman 'B' was not to operate for selection of the applicants as Chargeman 'A' in Steam Locomotives if their turn had come for such consideration and they shall retain their lien in the Steam Locomotives and if selected as Chargeman 'A' in Steam Locomotives they shall be given option either to continue in TRS Wing as per their option or go back to Steam Locomotive as Chargeman 'A'. It was also declared that the applicants have a right to be absorbed in TRS Wing or other Wings whenever options are called for in future. The order clearly shows that although the applicants were working as Chargeman 'B' in TRS Wing they could give an option to go to Steam Locomotives. The learned counsel for the applicants now however states that the applicants had at all times been in Steam Locomotives

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and had not gone to TRS but they indeed desire to be absorbed in TRS against the available vacancies. It is stated that the applicants had exercised their option on 17-12-95 showing their preference for TRS although accepting bottom seniority. The grievance of the applicants appears to be ^{that} although there are vacancies available at ⁱⁿ Electrical Locoshed at Lalaguda and although some juniors are being given that appointment, the respondents are ignoring the cases of the applicants and their misfortune was that they were posted at Purna Junction, hence could be easily ignored.

3. Having regard to the directions given by the Tribunal on the earlier occasion in its order dt.9-2-1995 there should arise no doubt on the position that the applicants are required to be considered for appointment against vacancies as would be available after 17-12-95 in TRS Wing as Chargeman 'A' subject however to their turn in the seniority they having accepted bottom seniority. That being the position, we are not able to know as to why during the course of last six months the applicants could not get the appointment. In the absence of any material to show whether the vacancies are indeed available and also to show as to whether the applicants have reached their turn or not, it is not possible to assume any such position. As it is, the applicants did not approach the respondents by representation claiming the relief as they have sought by the O.A., we therefore think that the position regarding them on the basis of

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the previous order having been clarified, it would be desirable if the applicants file a proper representation and invite an answer from the respondents so that if necessary it could be subjected to judicial scrutiny.

4. In the result, following order is passed;

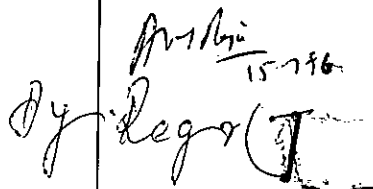
The applicants are given liberty to file a representation to the respondent No.1 within a period of two weeks from today seeking redeployment as Chargeman 'A' or in an equivalent post in TRS Wing on the basis indicated in the earlier judgement dt.9-2-1995. The said representation shall be disposed of by the Respondent No.1 within a period of four weeks from the date of receipt of the representation.

5. O.A. is disposed of. No order as to costs.


(H. Rajendra Prasad)
Member (A)


(M.G. Chaudhari)
Vice Chairman

Dt.8-7-1996
(Open court dictation)


15-7-96

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OA.No.824/96.

Copy to:-

1. Chief Personnel Officer, South Central Railways, Secunderabad.
2. Divisional Railway Manager (BG), South Central Railways, Secunderabad.
3. Divisional Rlys. Manager (P), S.C.R ailway, Secunderabad.
4. Divisional Mechanical Engineer (P), Hyderabad Division, S.C. Railways, Secunderabad.
5. One copy to Mr. S. Lakshma Reddy, Advocate, CAT. Hyd.
6. One copy to Sri N.V. Ramana, CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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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: 8-7-1996

ORDER/JUDGMENT

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

in

O.A.No. 595/96

8.24/96

~~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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