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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.909/96

Date of Order: 30.7.96

BETWEEN:

B.Shobanadri

.. Applicant.

AND

1. Union of India, rep. by
General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.

2. Senior Divisional Personnel Officer,
S.C.Rly., Vijayawada.

3. Senior Divisional Electrical Engineer,
S.C.Rly., Vijayawada.

.. Respondents.

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Counsel for the Applicant

.. Mr.G.Ramachandra Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

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

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J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member(Admn.) }

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The applicant in this OA initially joined as a Khalasi on 12.5.82 in Train Lighting Wing of S.C.Railway, Vijayawada Division under R-3. He was promoted as a Khalasi Helper in the year 1992 in the grade of pay of Rs.800-1150 in the same Train Lighting wing under R-3. It is stated that he had given his option to go over to Power Lighting side. ^{By} letter No.B/E. 150/IV/1, dated 4.4.96, ^{an} option was given to some Khalasis who were trade tested for promotion to the post of Khalasi Helper for exercising their option to go to any one of the sides namely

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Power Lighting, Train Lighting and other isolated category. However it is stated by the learned counsel for the applicant that the Khalasis mentioned in Annexure-2 letter had already opted power lighting side but they were given re-option to any one of the trades. It is also stated by the applicant's counsel that the applicant was not given his option to change his trade when similar options were given to other Khalasis by Annexure-2 letter. By letter dated 9.4.96 (A-3) the applicant submitted a representation to R-2 to retain him in train lighting side cancelling his earlier option to go to power lighting side. But that representation was not replied so far. He submitted one more representation dated 3.7.96 at Annexure-4 and another representation dated 14.7.96 (A-6) to consider his case to be retained in train lighting side instead of transferring him to the power lighting side. In the meantime the impugned transfer order No.B/P 536/II/Vol.10 dated 27.6.96 (A-5) was issued transferring the applicant from train lighting side to power lighting side on ~~the option of~~ his earlier option without consider his representations quoted above.

2. This OA is filed for setting aside the impugned order No.B/P 536/II/Vol.10 dated 27.6.96 (A-5) on the file of R-2 and to retain him in the train lighting wing under R-3 by accepting his revised option dated 9.4.96.

3. It is not understood from the above whether the option asked for under the letter dated 4.4.96 (A-2) is for the first time options asked for from the Khalasis. This needs clarification. Further when the applicant wanted to stay back in train lighting wing by his representation dated 9.4.96, before issue of the impugned order dated 27.6.96 transferring him to the power lighting side, the respondents could have examined this issue on the basis of his representation dated 9.4.96 and the case decided on merits. But his representation dated 9.4.96

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went un-answered. In view of the above it is for the respondents ^{now} to examine his representations on the facts of this case and take a considered view on the basis of the rules. Till such time a considered view is taken and that view is conveyed to the applicant, the applicant should be allowed to continue in train lighting side.

4. In view of what is stated above R-2 is directed to consider the representations of the applicant referred to above and take a final decision in regard to his representations dated 9.4.96, 3.7.96 and 14.7.96 and inform the applicant accordingly. Till such time a decision is taken and the applicant is informed, the transfer order dated 27.6.96 should be kept in abeyance so far it relates to the applicant and the applicant should be allowed to continue in train lighting wing. *till then*

5. The OA is ordered accordingly at the admission stage itself. No costs.

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(R.RANGARAJAN)
Member (Admn.)

Dated: 30th July, 1996

(Dictated in Open Court)

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D.R. (J)

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O.A.NO.909/96

Copy to:

1. The General Manager
South Central Railway,
Railnilayam,
Secunderabad.
2. Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada.
3. Senior Divisional Electrical Engineer,
South Central Railway,
Vijayawada.
4. One copy to Mr. G.Ramabhandra Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr. N.R.Devraj, Sr.CGSC,
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 30-7-96

ORDER/JUDGEMENT

O.A. NO. / R.A. / C.P. No.

in

O.A. NO. 908/96

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~
~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

No Spare Copy

