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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.925/1996.

Date: August 6, 1996.

Between:

S. Unus.

.. Applicant.

Vs.

1. The General Manager, South
Central Railway, Rail Nilayam,
Secunderabad.
2. Chief Commercial Superintendent,
South Central Railway, Rail Nilayam,
Secunderabad.
3. Senior Divisional Personnel Officer,
Divisional Office, South Central
Railway, Gunthakal.

Respondents.

Counsel for the Applicant: Sri Meherchand Noori for
P.Naveena Rao.

Counsel for the Respondents: Sri Gopal Rao, standing
counsel for Respondents.

CORAM:

HON'BLE SHRI M.G.CHAUDHARI, Vice-Chairman. *hll*

HON'BLE SHRI H.RAJENDRA PRASAD, Member (A) *hll*

(31)

O.A.No.925/96.

Date: August 6, 1996.

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN)

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Mr. Meherchand Noori for Mr. ~~P.~~ Naveena Rao
for the applicant. Mr. Mr. Gopala Rao, standing
counsel for the respondents. Learned counsel for
the ^{respondents} ~~applicant~~ to file Memo of appearance.

2. The applicant, S. Unus was shown at Sl.No.1
in Guntakal Division in the provisional seniority
list of contract casual labourers of Catering Depart-
ment at Guntakal Division of South Central Railway
issued on 2--5--1995. Thereafter on 1-12-1995 the
Divisional Office issued a Notification ^{advertising} ~~advertising~~
the employees mentioned therein to be in readiness
to appear for the screening test to be held on 11-12-1995.
In the said list, the name of the applicant figured
at Sl.No. 1 in Cuddapah Unit. However, according to
the applicant the screening has been postponed and
instead of proceeding with it, the respondents have
purported by letter dated 17--6--1996 to call 11 persons
mentioned therein for screening/absorption of ~~a~~
contract catering cleaners. According to the
applicant ~~th~~ thus his right ^{to be} ~~has been~~ absorbed ^{has been}
denied to him at this stage. He ~~p~~ therefore prays
that the action of the 3rd respondent in considering
the names of the 11 persons is illegal and should
be quashed. It is the contention of the applicant

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that ^{all those} ~~although~~ 11 persons are junior to him and their names ^{did} could not figure in the seniority list dated 2-5-1995 ^{now in the alert} or the alert list dated 17-6-1996 and therefore injustice is being done to him.

3. It transpires from the submissions of the learned counsel, Sri Noori that the 11 persons now being ^{are being considered} considered ~~are being~~ by virtue of the directions contained in the earlier Order in O.A.988/92 filed by those persons and decided on 15-8-1994. The direction given was to consider the applicants ^{therein} for absorption (either) in a regular capacity as casual labourers in Guntakal Division and to prepare a list in the same manner as was done in the case of catering cleaners although the applicants in the O.A., may have been engaged ~~in~~ from 28-7-1987 and by giving age relaxation to them to the extent of the period of service as catering contract cleaners till the date of termination of their ~~services~~ in 1991.

4. Mr. Noori submits that by reason of this direction, the juniors are making march over the applicant and as he was not a party to the said O.A., the respondents should have screened him according to his seniority shown in the list dated 2-5-1995 and should have appointed him/ should appoint him before

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the said 11 persons are considered.

5. It appears that along with the above mentioned O.A., two other Original Applications were also disposed of with similar directions.

6. Apparently, having regard to the seniority list dated 2--5--1995 and the ^{alert} alert notice d/1.12.1995 that was issued, the applicant could hope to be absorbed and appointed in the immediately available vacancy. However, it is quite clear that the respondents had to postpone the screening for which the applicant was ^{alerted} alerted as they ^{have} had forced to comply with the directions ^{given} in the earlier original applications. It is not possible to travel behind the orders ⁱⁿ of these O.As, in these proceedings, since according to the applicant ^{the} that screening test was not conducted ~~that~~ it does not mean that it will ^{not} be held as soon as considered fit. It cannot be said that there has been undue delay on the part of the respondents in not proceeding with the screening after the screening scheduled on 11-12--1995 was postponed because it is obvious from Annexure A-1 that the respondents are considering the case of the applicants in the earlier O.As., and will proceed with the screening of others after that exercise ^{is} ~~was~~ completed. The applicant, therefore has to wait ^{for} his turn for screening. On that ground there is,

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therefore, no prima facie case disclosed.

7. The applicant has also made an allegation that apart from those persons who ^{were} ~~are~~ parties to the earlier Original Applications mentioned above, the respondents have appointed one V.Suresh Kumar as a casual labourer. The name of the said person appears at Sl.No.2 i.e., below the applicant in Cuddapah Unit in the seniority list dated 2.5.1995.

His name was also ^{shown} at Sl.No.2 in the ^{alert} ~~allert~~ notice dated 1-12-1995. Since the screening pursuant to the Notice dated 1-12-1995 did not take place as stated by the applicant, we do not ^{know} ~~as to~~ ^{under} ~~in~~ what ^{circumstances} way Suresh Kumar ^{could} have been appointed before the applicant since he was below the applicant in the seniority list. There is only a bald ^{made} statement in the O.A., which reads as follows:

"However, even according to the said list, Mr. V.Suresh Kumar who is shown at Sl.No.2 under the heading Cuddapah was also appointed as casual labourer."

Neither the date of his appointment nor any other relevant particulars have been stated. ~~Reg~~

The possibility that he was ^{in fact} ~~new~~ screened in pursuance ~~of the~~ of the Notice dated 1-12-1995 and may have been appointed also cannot be ruled out in which case why the applicant ^{was not screened} ~~should not attend the~~

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screening would be a different matter. In the circumstances, in our opinion, it would be appropriate for the applicant to file a representation against the appointment of Sri Suresh Kumar to the Senior Divisional Personnel Officer, Guntakal and seek such relief for himself as he may be advised. Subject to the opportunity ^{being left open} given to the applicant to file a representation, the U.A., is disposed of. No order as to costs.

H. RAJENDRA PRASAD,
Member (A)

M. G. CHAUDHARI, J.
Vice-Chairman.

Date: August 6, 1996.

Pronounced in open Court.

Deputy Registrar (D) CC

SSS.

G.A.924/96

G.M.

To

1. The General Manager, SC Rly,
Railnilayam, Secunderabad.
2. The Chief Commercial Superintendent,
S.C.Rly, Railnilayam, Secunderabad.
3. The Senior Divisional Personnel Officer,
Divisional Office, S.C.Rly, Guntakal.
4. One copy to Mr. ~~Krishnamurthy~~ P. Naveen Rao, Advocate, CA².Hyd.
5. One copy to Mr. Gopal Rao, J.R. SC for Rlys, CA².Hyd.
6. One copy to Library, CA².Hyd. -
7. One spare copy.

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TYPED BY

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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: M

Dated: 6 - 8 - 1996

~~ORDER~~/JUDGMENT

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

in

O.A.No. 595/96

925/96

T.A.No.

(W.P.

Admitted and Interim Direct
issued.

Allowed.

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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