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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.925/1996.

Date: August 6, 1996.

**Between:**

S. Umus. .. 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.Naveen Rao.

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

**CORAM:**

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

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

(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. Gopala Rao, standing counsel for the respondents. Learned counsel for the <sup>respondents</sup> applicant to file Memo of appearance.

2. The applicant, S. Unus was shown at Sl.No.1 ~~in~~ in Guntakal Division in the provisional seniority list of contract casual labourers of Catering Department at Guntakal Division of South Central Railway issued on 2--5--1995. Thereafter on 1-12-1995 the Divisional Office issued a Notification <sup>alerting</sup> alerting 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 contract catering cleandrs. According to the applicant ~~in~~ thus his right <sup>to be</sup> has been absorbed is 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 ia illegal and should be quashed. It is the contention of the applicant

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✓ ~~all those~~ that although 11 persons are junior to him and their names  
✓ ~~did~~ could not figure in the seniority list dated 2-5-1995  
✓ ~~were 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 considered ~~are being considered~~ ~~are being considered~~ 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 <sup>therein</sup> 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 ~~from~~ 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

*hsl*

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~~ 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~~ as they ~~had~~ forced to comply with the directions in the earlier original applications. It is not possible to travel behind the orders <sup>in</sup> of these O.As, in these proceedings. Since according to the applicant <sup>the</sup> 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 ~~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 discloses.

7. The applicant has also made an allegation  
✓ that apart from those persons who <sup>were</sup> ~~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 <sup>shown</sup> ~~at~~ Sl.No.2 in the <sup>alert</sup> 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 <sup>know</sup> ~~as to~~ <sup>under</sup> what  
circumstances <sup>could</sup> Suresh Kumar ~~should~~ have been appointed before  
the applicant since he was below the applicant  
in the seniority list. There is only a bald  
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. ~~Also~~

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

✓ *full*

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.

*My signature*  
Deputy Registrar (S) CC

O.A.924/96

G.M.R.

To

1. The General Manager, S.C.Rly.  
Railnileyan, Secunderabad.
2. The Chief Commercial Superintendent,  
S.C.Rly, Railnileyan, Secunderabad.
3. The Senior Divisional Personnel Officer,  
Divisional Office, S.C.Rly, Guntakal.
4. One copy to Mr. Mahadevappa D.Naveen Rao, Advocate, C.R.L.Hyd.
5. One copy to Mr. Gopal Rao, J.R. SC for Rlys, C.R.L.Hyd.
6. One copy to Library, C.R.L.Hyd. -
7. One s. arc copy.

PVR.

1 COURT

TYPED BY

CHECKED 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: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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