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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1008/96
O.A.Sr.No.2561/96.

Date of order : 20.8.1996.

Between

- 1. V.Venkatesulu
 - 2. M.Rosanna
- .. Applicants

And

- 1. The General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.
 - 2. Chief Comml. Supdt.,
S.C.Rly., Rail Nilayam,
Secunderabad.
 - 3. Sr. Divl. Personnel Officer,
Divl. Office, S.C.Rly.,
Guntakal (A.P.).
- .. Respondents

Counsel for the Applicants .. Shri P.Naveen Rao

Counsel for the Respondents .. Shri J.R.Gopal Rao,
SC for Rlys.

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

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

O r d e r

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The grievance of the applicants is that they are not being considered for absorption as Catering Cleaners in Guntakal Division of the South Central Railway although juniors to the applicants have been called for screening and absorption. They pray for quashing the letter dated 17.6.96 issued by the Divl. Rly. Manager. It is their case that they were screened in the year 1991 and their names were included in the waiting list of eligible Contract Cleaners and in fact a seniority list of Contract Cleaners was published on the basis of the

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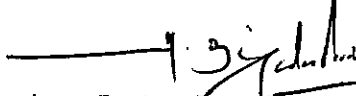
WMA


P.J.

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screening test held in the year 1991. They contend that as per the seniority list on that basis they are entitled to be considered. It is noticed from the impugned letter whereunder certain officials have been called for screening that the said action has been taken in pursuance of the decision of this Tribunal in O.A.No.988/92. It is submitted on behalf of the applicants that as the applicants were not a party to that order it is not binding upon them and that they cannot be made to suffer loss of their seniority and on that basis yield ^{place} less to the 11 persons out of whom some are juniors to them. Although we find that there is substance in their grievance, we are however not able to help the applicants as in our view it is not possible to go behind the order in O.A.No.988/92 and the action of the respondents cannot be treated as illegal or arbitrary if they are merely giving effect to that order. The respondents were bound to carry out that order. We do not see any reason as to why it should be presumed that after the cases of the said 11 officials are considered the opportunity of consideration will be denied to the applicant according to their position in the seniority list as soon as further appointments will be contemplated. The applicants therefore have to await their turn for screening.

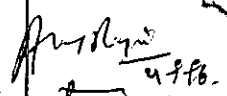
2. On similar facts a similar view was taken by us earlier also in O.A.No.924/96 decided on 6.8.96. Shri P.Naveen Rao very fairly brought ^{that} our order to our notice. Hence the O.A. is disposed of as no prima facie case is disclosed making it clear that future remedies ^{of} to the applicants in the event of denial of legitimate consideration of their names in due course are left open. No order as to costs.


 (H. Rajendra Prasad)
 Member (A).


 (M.G. Chaudhari)
 Vice-Chairman.

Dated: 20.8.1996.
 Dictated in Open Court.

br.


 Deputy Registrar (5) CC

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To

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

pvm

Handwritten signature and date
4/9/64

I 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(A)

Dated: 20-8-1996

~~ORDER~~ / JUDGMENT

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

in

O.A.No. 1008/96.

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.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
DISPATCH
24 SEP 1996
HYDERABAD BENCH