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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 210 /97

Date of Order: 18-11-98

Between:

M.V. Sastry

... Applicant.

and

1. General Manager, SC Rly
Railnilayam, Secunderabad.
2. Chief Commercial Manager,
SC Rly, Railnilayam, Secunderabad.
3. Chief Personnel Manager,
SC Rly, Railnilayam, Secunderabad.

... Respondents.

For the Applicant: Mr. G.Vidya Sagar, Advocate.

For the Respondents: Mr.V.Rajeswar Rao, Addl.CGSC.

CORAM:

~~THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (ADMN)~~

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

THE HON'BLE MR.B.S.JAIPARMESWAR : MEMBER(JUDL)

The Tribunal made the following Order:-

Heard Mr.G.Vidyasagar, learned counsel for the applicant
and Mr.V.Rajeswar Rao, learned standing counsel for the respondents.

The following points were raised on behalf of the applicant
during today's hearing:

1) In the reply filed by them before the Regional Labour
Commissioner on 11.10.95 (Annexure-6) page 21 to the OA 1/97) the
Respondents had stated as under:

"Vide Railway Board's letter No.E(NG)/1/87/PM16/3
dt. 15.2.93. ECRCs working in console are to be recruited
from among volunteer graduates and ECRCs having completed
minimum two years of service in the grade of E.1200-2040
(RSRP) through a positive act of selection. As such the
selection is open to the candidates from all other depart-
ments also who are graduates. The specific condition that
the ECRCs should have minimum service of two years has been
stipulated as all the ECRCs are not necessarily graduates."

A specific grade of E.1200-2040 (RSRP) was thus mentioned
therein based on which statement (among others) the final settlement
was arrived at, as seen at Annexure-9 to the O.A.(page 30). However,
in the Notification issued on 24.10.96, for the formation of a panel for
promotion to the post of Console and Data Base Operators (Annexure-10 page
31)

It is directed that their results can now be declared with the proviso that in case they come to entertain any grievance about the result so declared, their eventual service interests in this matter shall be determined on the outcome of this OA. As to whether or not these applicants have actually passed the test shall be clarified by the learned standing counsel for the respondents during the next hearing.

As regards candidates at No. 3 (Mr. A.S.R. Murthy), No. 4 (Mr. C. Sudhakar), No. 5 (Mr. Rammohan Rao K) and No. 9 (Mr. D. Nandkumar), their eventual service benefits in this matter shall have to depend on the additional affidavit that is now directed to be submitted by the Learned Standing Counsel.

Post this case for final disposal on 18.12.98 or thereabouts on a suitable date before this Bench.

प्रमाणित प्रत
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

SD/-
Deputy Registrar.

To

1. The General Manager, SC Rly, Railnilayam, Secunderabad.
2. The Chief Commercial Manager, SC Rly Railnilayam, Secunderabad.
3. The Chief Personnel Manager, SC Rly Railnilayam, Secunderabad.
4. One copy to Mr. G. Vidyasagar, Advocate, CAT. Hyd.
5. One copy to Mr. V. Rajeswar Rao, Adcl. CGSC. CAT. Hyd.
6. One spare copy.

27m.

(Original Draft kept in O.A. 207/98)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 210 /97

Date of Order: 26-2-97

Between:

M.V. Sastry

.. Applicant.

and

1. General Manager, SC Rly,
Railnilayam, Secunderabad.
2. Chief Commercial Manager,
SC Rly, Railnilayam,
Secunderabad.
3. Chief Personnel Manager,
SC Rly, Railnilayam,
Secunderabad.

... Respondents.

For the Applicant: Mr. G.Vidya Sagar, Advocate.

For the Respondents: Mr.V.Rajeswar Rao, SC for Rlys.

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

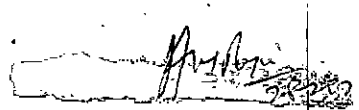
THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Prima facie it appears to us that the conditions stipulated in the impugned notification and the reasons given for non-selection of the applicant are inconsistent with the recruitment rules. The legality of the notification therefore calls for consideration.

Admit. Respondents to file counter within 8 weeks. Pending the hearing and final disposal by way of interim order without prejudice to the rights and contentions of the respondents and ~~any other~~ subject to the final result of the O.A. the respondents are directed to allow the applicant to appear at the selection scheduled to be held on 2.3.97 but the result of the selection may not be declared until further orders. The appointment of others, if made, will be subject to the result of the O.A. The appointed candidate will be informed accordingly.

Hearing expedited. Liberty to apply after the reply has been received.


Deputy Registrar (J)CC

-2-

O.A.

To

1. The General Manager, SC Rly.
Railnilayam, Secunderabad.
2. The Chief Commercial Manager,
SC Rly, Railnilayam, Secunderabad.
3. The Chief Personnel Manager,
SC Rly, Railnilayam, Secunderabad.
4. One copy to Mr.G.Vidya Sagar, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, SC for Rlys, CAT.Hyd.
6. One spare copy.

pvm.

notice

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
MEMBER (ADMN)

Dated: 26-2-1997

ORDER / JUDGMENT

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

in

O.A. No. 210/97

T.A. No. (W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

to order as to costs.

pvm.

