

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A.No. 1295/95.

Dt.of Decision : 27-10-95.

1. M. Gopal Naik
2. D. Subba Rao
3. B. Venkateshwar Rao
4. T.S.P. Anjaneyulu

.. Applicant.

Vs

1. The Union of India,
Rep. by its Secretary,
Railway Board, New Delhi.
2. The General Manager, SC Rly,
Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer,
SC Rly, Rail Nilayam, Sec'bad.

.. Respondents.

Counsel for the Applicant : Mr. N. Ramamohan Rao

Counsel for the Respondents : Mr. N. V. Ramana, Addl. CGSC.

CORAM :

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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O.A.NO.1295/95.

JUDGEMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri N.Ramamohan Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The applicants 1 and 2 are Data Processing Superintendents in EDP Centre, South Central Railway, while 3rd applicant is General Supervisor and 4th applicant is Senior Console Operator in the said Centre. The 1st applicant applied for consideration for selection of 30% of Limited Departmental Competitive Examination (LDCE) quota in regard to the post of Assistant Personnel Officer, and the 1st applicant was informed by the order dated 10.5.95 that as he does not belong to Group 'C' Ministerial staff, he is not eligible. It is stated that on the basis of the subsequent representation, he was informed that in view of the Railway Board letter No.E(CP)/87/2/62, dated 6.11.1991, he is not eligible after the EDP Recruitment Rules for Gazetted staff in EDP Centre had come into force in 1989. The further submission for the 1st applicant is that he made request for copy of the said letter of the Railway Board which was given to him on 29.9.95.

2. The examination in regard to the post of Assistant Personnel Officer (APO) for the 30% vacancies in LDCE quota going to be held on 29.10.1995. This OA was filed today on ie. 27.10.95.

3. The letter No.P/GAZ/607/PB/93-94, dated 9.5.94 states that Group-C Ministerial staff of all other departments excluding Hindi and Accounts department but including Cash

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Pay Office and Time Office fulfilling eligibility conditions referred to are also eligible for applying for the selection for the vacancies in the post of APO in Personnel Department which is going to be held by LDCE towards 30% quota.

4. The contention for the applicants is that the staff of EDP in Railways in Group-C were treated as Ministerial staff before 1989 Recruitment Rules for Gazetted Staff in EDP in Railways had come into force, and hence even after the promulgation of these Recruitment Rules, they continued to be the Ministerial staff and hence the Railway Board is not justified in holding that the Group-C staff in EDP in Railways do not come within the purview of Group-C Ministerial staff or that they are not eligible for consideration for promotion to the post of APO under LDCE quota.

5. But the question that has to be considered is as to whether there is any possibility of complying with the interim direction if it is going to be given to the effect that the 1st applicant who applied for shall be permitted to appear for the said examination to be held on 29.10.1995 with a condition that in case he is selected, no order shall be issued for promoting him to the said post pending disposal of the OA. It is submitted for the respondents that as it is already 4.30 PM and as tomorrow and day-after happened to be holidays and as the examination is going to be held day after, it is not possible to make arrangements for allowing the 1st applicant to appear for the said examination. It cannot be stated that there is no justification in regard to the said representation for the respondents. Thus we feel that it is not just and proper to pass any interim order to the above effect.

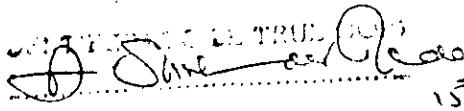
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6. This is a case where the applicants approached at the last moment. If they approached atleast a day earlier, the possibility of issual of an interim order could have been there, and ultimately the OA could have been considered on merits. But in view of the delay on the part of the applicants in approaching this Tribunal, we feel that the OA itself has to be dismissed on the ground of laches without consideration of the merits, and leaving it open for determination as and when they arise. It is well established that mere relief for declaration will not be decided if the consequential relief which can be prayed for is not sought. So, it will be an exercise in futility if the merits are considered when ultimately the applicants cannot get the relief in view of the laches. It is needless to say that as and when next notification is going to be issued for this post under LDCE quota and if the applications of the applicants are going to be rejected, they are free to move this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 and then the question of consideration on merits will arise.

7. For the reasons stated above, this OA is dismissed at the admission stage on the ground of laches. No costs. //

STATEMENT OF TRUTH

Date
Court Officer
Central Administrative Tribunals
Hyderabad Bench
Hyderabad

General Manager's Office,
Personnel Branch,
Secunderabad 500 371
Dated: 24-11-96
Reference in form
No. P/GAZ/607/PB/96

No. P/GAZ/607/PB/96

ALL CONCERNED:

Sub: Formation of panel for promotion to Group 'B' posts of Assistant Personnel Officers in scale of pay Rs.2375-3750/- (RSRP).

(1) It is proposed to hold a selection in Personnel Department for formation of a panel for promotion to Group 'B' posts of Assistant Personnel Officers against 70% quota, as detailed below:-

Period of assessment

1-7-96 to 30-6-81998

SC - 1, ST - 1 and UR - 4: Total = 6

No. of vacancies

1-7-96 to 30-6-81998

(2) The selection will be held inviting applications from eligible volunteers.

(3) Only those employees, from the under mentioned categories, who have put in a minimum of three years non-continuous service in grade Rs.1600-2660 (RSRP) and above as on 1-7-1996 are eligible to volunteer for the selection:-

- (i) Group 'C' employees of Personnel department.
- (ii) Group 'C' ministerial employees of Transportation (Traffic), Commercial, Stores, Statistical and Compilation departments and Law Assistants/Chief Law Assistants.
- (iii) Group 'C' Ministerial employees in cadre posts of any other departments excluding Hindi Organisation and Accounts Department, but including Cash and pay and Time Office who have no avenue for promotion to Group 'B' posts in their own department.

NOTE: In the case of Group 'C' ministerial staff mentioned in item (ii) above, their promotion as A.P.O. on empanelment will be subject to their exercising option for promotion as A.P.O. within one month of the results of the selection and the option once exercised will be final.

The selection consists of written test followed by vive-voce.

(4) There will be only one paper for the written test carrying a maximum marks of 150. Only those employees who secure minimum 90 marks out of 150 and passing in the prescribed medical examination will be called for viva-voce, subject to restricting the number to be called for viva-voce to six times the number of vacancies for which this selection is being held. In case adequate number of candidates from SC/ST are not available for empanelment best among the failures may be earmarked for consideration as per extant rules.

(5) Applications are invited from volunteers fulfilling the eligibility conditions mentioned in para (3) above in the proforma enclosed as Annexure 'A'.

(6) The filled-in applications are to be submitted through their respective controlling officers to the Personnel Officers incharge/units incharge, as the case may be, on or before 31-12-1996. The Personnel Officers/Units incharge shall scrutinise the particulars given by the applicants in the application form and forward them to reach Dy.CPO(Gaz), CPO's Office/SC on or before 6-1-1997.

(7) Applications found to be containing incomplete or improper information or received in this office after the last date will be rejected without any advice. It will be the responsibility of the Personnel Officers/Unit incharge to ensure that the eligibility of the applicants is certified before forwarding applications. Applications without this certification are liable to be rejected without any advice.

(8) The syllabus is as follows:-

- (i) Establishment matters and
- (ii) Labour enactments such as payment of Wages Act, Factories Act, Hours of Employment Regulations, Industrial Disputes Act, Workmen's Compensation Act, etc.

(9) Pre-selection coaching will be imparted to eligible SC/ST employees before holding the written test.

(10) The list of applicants eligible to appear for the written examination, date time and venue for the written examination will be intimated in due course.

(11) This may be given wide publicity.

Receipt of this may please be acknowledged.

Encl: Annexure
proforma

P. S. (29/11/96)
(P.S. MURTHY)
for CHIEF PERSONNEL OFFICER.

C/-: Supdt. (P&S)/SC for publication in the ensuing FN Gazette.

31-12-96

Last date for submission to Controlling Officers:

APPLICATION FOR THE POST OF ASSISTANT PERSONNEL OFFICER.

Ref: CPO/SC's Lt. No. P/GhZ/607/P3/96 dated 29-11-96.

1. Name in full (in BLOCK letters)

2. Designation

3. Office/Station

4. Department

5. Academic qualifications.

6. Date of Birth

7. Particulars of initial appointment to
Railway service:-

i) Date of initial appointment

ii) Category of post to which appointed

iii) Scale of post with (PS) / (AS) / (RS) (if applicable)

8. a) Present post in the regular cadre.

b) Date from which working in (a).

c) Present scale of pay.

9. Non-fortuitous service
rendered in grades as on
1-7-96.Rs. 2000-3200 {IV-PC}
Rs. 1600-2660 { " }Date on which entered
the grade on regular
basis.Completed as on
1-7-96
Yrs. Months. Days.10. Whether belongs to SC / ST
or other communities.(indicate the community
here)C E R T I F I C A T E

This is to certify that all the particulars furnished by the applicant have been verified from the entries in the Service Register and other relevant documents and found correct and he/she fulfills the conditions of eligibility for selection to the Group 'B' post of Asst. Personnel Officer.

Full signature : _____

Name : _____

Designation : _____

Office : _____

Office Seal : _____

Station : _____

DATE : _____

Statistical Group, A5 24
S. C. RAILWAY.
1st FANCAS Sc

Divisional Office
Personnel Branch,
Guntakal Dt. 3.2.97

S.C.RAILWAY.

No. G/P.532/CI/70% Quota.

Sr.DEN/Co-ord./GTL; Sr.DEN/GTL; CMS/GTL;
Sr.DME/M/GTL; Sr.DME/GTL; Sr.DME/P/GTL;
Sr.DME/DSL/GTL; Sm/G/GTL; Sr.SE/C&W/GY;
Sr.SE/DSL/GY; CWS/IPTY & Sr.SE/DSL/GTL.

Sub:- 70% Quota selection for formation of
panel for promotion to Group 'B' Posts
of Asst. Personnel Officers in scale
Rs.2375-3750 (RSRP).

Ref:- 1) CFS/SC's letter No.P(Gaz)/607/EB/96
dated 29.1.97.
2) This office notification No.G/P.532/
CI/70% Quota dated 09.12.96.

In terms of CEO/SC's letter cited under reference, the
names of eligible candidates to appear for the above Group 'B'
Selection of AFOs against 70% quota is indicated in Annexure-A
enclosed. The names of candidates found ineligible is indicated
in Annexure-B, enclosed.

The following is the time table for conducting
pre-selection coaching and the written examination:

I. PRE-SELECTION COACHING: for 3 weeks from 10.02.97.

The pre-selection coaching for the eligible SC/ST candidates
of GIL Division, Tirupati Shops and other units falling
within the territorial jurisdiction of the division will be
organised by Sr.DPO/GIL for a period of 3 weeks from
10.02.1997. The venue will be notified shortly.

II. WRITTEN TEST:

The Written test for eligible candidates will be held
on 09.03.97 at 10.00 hours. The venue is the railway Mixed High
School, South Lallaguda, Secunderabad.

There will be only one paper of 3 hours duration from
10.00 to 13.00 hrs. carrying a maximum marks of 150, the
for which has already been circulated alongwith notification
reference above. Question(s) on implementation of Official
Language may be asked as per extant instructions.

III. SUPPLEMENTARY WRITTEN TEST: Date 22.03.1997.

The supplementary written test for the absentees for
genuine reasons will be held on 22.3.97, the time and venue
being the same as for the main examination.

D.R. S. No.

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D.H.

LIST OF THE VOLUNTEERS WHO ARE FOUND ELIGIBLE.

ANNEXURE 'A'

No.	Name (S/Shri)	SC/ST	Whether	Designation/Office.
1. 209	R.Srinivasulu	SC	OS/II	SSE/DSL/O/GTL
2. 210	G.Rangaiah	ST	OS/II	SCE/DSL/O/GTL
3. 211	S.Abdul Hameed	--	OS/I	Sr.LME DSL./GIL
4. 212	P.Lakshmi Narasimham	--	OS/II	DME/E/GTL
5. 213	<u>D.Narasimhulu</u>	SC	OS/II	DME/C/GTL
6. 214	G.Ananda Prasad	--	OS/II	Budget Sec./Sr.DPO/O/GTL
7. 215	D.Shanmugham	ST	OS/II	CWS/O/IPTY.
8. 216	K.A.Raghavendra	SC	OS/I	SSE/Loco/GY
9. 217	N.S.Vijaya Kumar	--	OS/II	SSE/C&W/GY
10. 218	M.Naganna	SC	OS/I	Sr.DEE/O/GTL
11. 219	K.Muni swamy	ST	OS/I	Sr.DSTE/M/GTL
12. 220	I.Brahmaiah	ST	OS/II	CMS/O/GTL
13. 221	S.Jayaram Naik	ST	OS/I	SM(GAZ)/GTL
14. 222	M.Venkata Prakash	ST	OS/I	Sr.DOM/O/GTL
15. 223	F.S.Jose	ST	OS/I	Sr.DOM/O/GTL
16. 224	S.A.Kasheed	--	OS/I	DSC/HPF/O/GTL
17. 225	S.Rajamani	ST	OS/I	DHM/WORKS/GTL
18. 226	B.T.Mohan	SC	CA/DMR/GTL	
19. 227	V.Sunkappa	SC	OS/I	Sr.DPO/O/GTL
20. 228	C.Mahaboob Basha	--	CLA	Sr.DFO/O/GTL
21. 229	G.Kama Murthy	SC	OS/II	Sr.DFO/O/GTL
22. 230	B.Prakash Reddy	--	PI/Gr.1	Sr.DFO/O/GTL
23. 231	S.Guru Prasad	--	PI/Gr.1	Sr.DFO/O/GTL
24. 232	Y.Venkateswar	--	PI/Gr.11	DHM/O/GTL
25. 233	R.Prabhakar	--	WI/Gr.11	Sr.DFO/O/GTL
26. 234	K.D.Balasubramania Das	SC	WI/Gr.1	Sr.DFO/O/GTL
27. 235	K.Nagarathinam	SC	OS/I	PI/Gr.0/HX
28. 236	N.Jayarama Raju	--	OS/I	Sr.DFO/O/GTL
29. 237	J.C.Nagaraja Rao	--	PI/Gr.1	Sr.DFO/O/GTL
30. 238	K.Motiram Naik	ST	OS/I	SSB/P.Way/MG/ATP
31. 239	K.Suryanarayana Reddy	--	OS/I	Sr.DFO/O/GTL
32. 240	M.K.Srinivasa Charyulu	--	OS/I	Sr.DFO/O/GTL
33. 241	M.Venkatesulu	SC	OS/I	Sr.DFO/O/GTL
34. 242	P.Chandrasekhar	SC	OS/I	Sr.DFO/O/GTL
35. 243	M.Rajendran	SC	OS/I	Sr.DFO/O/GTL

LIST OF CANDIDATES FOUND INELIGIBLE.

ANNEXURE B

Sl. No.	Name (S/Shri)	Designation/Office.	Remarks.
1.	G.Kanaka Durgaiah	OS/II, Sr.DPO/O/GTL	Since not put in 3 yrs. of service in the relevant Gr.

Expt 20/2/1974

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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)

AND

THE HON'BLE SHRI B.S. JAI PARAMESWARI:
M(J)

DATED:

20/3/97

ORDER/JUDGEMENT

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

O.A. NO. 269/97 in

ADMITTED AND INTERIM DIRECTIONS ISSUED
~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

