

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

OA 27/97

OASR 13/97

Date of Decision: 06.01.1997

BETWEEN:

P. Veera Brahmaiah and
P. Veera Venkata Ramana

.. Applicants

AND

The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad

2. Divisional Railway Manager,
Vijayawada/ Division,
Vijayawada

.. Respondents

Counsel for the Applicants: Ms. Bh. Bharathi Devi

Counsel for the Respondents: Mr. G.V. Malla Reddy

CORAM:

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

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

ORDER

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

Heard Smt. Bharati Devi, learned counsel for the applicants for admission.

The applicants who are stated to be unemployed persons and who have already applied for Group-D posts on BZA Division, S.C. Railway, in pursuance of the employment notice No.2 of 1996 Dt.15.11.1996, ~~On an apprehension that irregularities will be~~ committed in the selection and injustice will be done to them have filed this O.A., seeking a declaration that the aforesaid employment notice is illegal and violative of Articles 14 & 16 of the constitution and for striking down the said notification with the direction to the respondents to issue a fresh notification as per Rule 179 IR Code.

The apprehension of the nature expressed has no basis and is too sweeping to be entertained in advance and does not afford any cause of action. It is merely alleged that although the applicants had applied earlier in January 1996 they were not selected and many irregularities were committed at that time. However nothing is stated as to what were the irregularities committed. That rejection is not subject matter of the O.A. In respect of official business of the railways it is not possible to presume that irregularities will be committed in the matter of selection. More over assuming any irregularities will be committed, it will be in the event of non-selection of the applicants as they have already applied owing to such irregularities that may afford a cause of action to the Applicants to ^{make} grievance.

(B)

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The O.A. also challenged the impugned employment notice on several grounds involving the policy to be adopted by the Railways in matters of recruitment to Group-D posts. The applicants having applied under the very notice they cannot challenge the validity of the notice and unless they have a cause of action they cannot merely seek a decision on general policy matters. Thus we are of the view that the OA is liable to be rejected as it does not disclose any cause of action. However future remedy of the applicants will remain unaffected.

✓

Hence the OA is rejected without prejudice to the right of the applicants to approach the tribunal for ~~leave~~ relief if they are not selected for any untenable grounds in which event it is left open to the applicants to raise all the contentions including the validity of the notification as are raised in the instant O.A.

No order as to costs.

— *H. Rajendra Prasad*
(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

M. G. Gaudhari
(M.G. GAUDHARI)
VICE CHAIRMAN

Date: 6th January 1997
Dictated in the open court

*Amrit
3-1-97*

Deputy Registrar (J) CC

KSM

27 /
OA 50 13/97

To

1. The General Manager,
SC Rly, Railnilayam,
Secunderabad.
2. The Divisional Railway Manager,
Vijayawada Division, Vijayawada.
3. One copy to Mr.BH.Bharathi Devi, Advocate, CAT.Hyd.
4. One copy to Mr.C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.

27/197. (A)

I COURT

TYPED BY

CHECHED BY

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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: 6 - 1 - 1997

ORDER / JUDGMENT

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

in
O.A.No. 27/97

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

Amitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

