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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 495/97.

Dt. of Decision : 16-6-97.

P.V. Subba Rao

.. Applicant.

Vs

1. The Union of India, Rep. by
Secretary, Railway Board,
Rail Bhavan, New Delhi.
2. The General Manager,
SC Rly, Rail Nilayam,
Sec'bad.
3. Mohan Lal
4. Ajay K. Sinha
5. Anshuman Sharma
6. Ashok Kumar Goyal
7. Anil Kumar Malik

.. Respondents.

Counsel for the applicant : Mr. P. P. Vittal

Counsel for the respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.P.P.Vittal, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant was an Assistant Engineer Group-B in Railways. As per the order No.E(GP)93/1/85 dated .3.95 (Annexure-A-3) the applicant submits that he has been selected for the Group-A service and his name was notified against the promotion quota vacancies of recruitment for the year 1989.

His name stands at Sl.No.30 of that list. The applicant further submits that he is entitled for weightage of 5 years earlier to the elevation to the Group-A service in a particular recruitment year in Group-A service. The applicant further submits that as his name has been notified against the promotion quota vacancies of recruitment year 1989 he should have been shown as having been promoted to the Group-A service w.e.f., the year 1984 giving him the five years weightage for his earlier service in lower category in terms of letter No.E(O)I-90/SR-6/9 dated 23-4-91 of that letter. In the mean time the applicant was informed by the impugned letter No.E(O)I/90/SR-6/1 dated 8-12-95 showing his seniority in Junior scale Group-BIRSE w.e.f., 24-12-87 as per annexure to that letter. Against this impugned order the applicant has represented his case by his representation dated 22-7-96 (Annexure-A-12). It is stated that that representation is yet to be disposed of.


3. Aggrieved by the non-disposal of the representation the applicant has filed this OA for setting aside the impugned letter No.E(O)I/90/SR-6/1 dated 8-12-95 (Annexure-A-4) by holding it as arbitrary, illegal and for a consequential direction to show him as having been absorbed as junior scale/Group-B service in the year 1984 itself and on that basis give him the consequential relief.

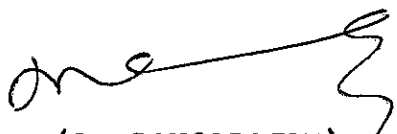
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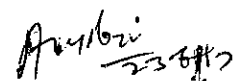
4. The applicant submitted his representation dated 22-7-96 more than 9 months ^{early} ~~are over after~~ submission of the representation. Normally a representation should be disposed of within six months or even earlier. Even though the representation is not disposed of yet we are of the opinion that a further opportunities may be given to R-1 to dispose of his representation in accordance with law taking due note of the various rule quoted by him in this OA as well as in his representation and dispose of the same expeditiously within four months from the date of receipt of a copy of this order. It is needless to say that in case the applicant is going to be aggrieved by the reply to be given to him he ~~can~~ ^{will} take such remedial measure as ~~and when~~ available to him under law.

5. With the above observation the OA is disposed of.
No costs.


P.S. JAI PARAMESHWAR
MEMBER (JUDL.)
16.6.97


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 16th June 1997.
(Dictated in the Open Court)


Dy. Registrar (S).

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Copy to:-

1. The Secretary, Railway Board, Union of India, Rail Bhavan, New Delhi.
2. The General Manager, S.C.Rly, Railnilayam, Sec'bad.
3. One copy to Sri. P.P.Vittal, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy Deputy Registrar(A), CAT, Hyd.
6. One spare copy.

Rsm/-

SRP
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COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

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

DATED: 16/6/97

ORDER/JUDGEMENT

M.A./R.A/C.A.T.U.

O.A. NO.

495/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जेशन/DESPATCH
4 JUL 1997
हदराबाद न्यायपीठ
HYDERABAD BENCH