

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.535 OF 1997.

DATE OF ORDER:3-2-1999.

BETWEEN:

1. M.Kollapuri.
2. K.Eswaraiah.
3. A.Subramanyam. .. Applicants

a n d

1. The Asst.Engineer(Maintenance)
South Central Railway, Renigunta,
Chittoor District.
2. The Asst.Engineer(M),S.C.Railway,
Pakal, Chittoor District.
3. The Divisional Engineer(DEN),
Maintenance, S.C.Railway, Guntakal,
Anantapur District.
4. The Sr.Divisional Personnel Officer,
Personnel Branch, Guntakal,
Anantapur District.
5. The Dy.Chief Mechanical Engineer,
Carriage Repair Shop, Tirupathi.
6. The General Manager, S.C.Railway,
Rail Nilayam, Secunderabad.

.. Respondents

COUNSEL FOR THE APPLICANTS :: Mr.Krishna Devan

COUNSEL FOR THE RESPONDENTS :: Mr.K.Siva Reddy

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.Krishna Devan, the learned Counsel for
the Applicant and Mr.K.Siva Reddy, learned Standing
Counsel for the Respondents.

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2. There are three applicants in this OA. They are Casual Labourers. The first applicant is a Khalasi under CIOW, Renugunta and the second and third applicants ^{are} casual Gangmen in AEN, Pakala. They appeared for screening of the Engineering Casual Labourers of CIOW/CRS against the vacancies in CRS, Tirupathi. In the screening held on 10-1-1996 and 6-2-1996, it is stated that on the day of screening, applicant no.1 was a casual labour under CIOW/CRS, Tirupathi. On the basis of the screening held on 10-1-1996 and 6-2-1996, a part panel of Engineering Project Casual Labourers, who were found suitable for the post of unskilled in CRS, Tirupathi was issued, vide Memorandum No. TR/P.564/CLs/Ser/Con. dated: 10-4-1996 (Annexure.4 to the OA). It is stated in that Order that the above panel is provisional.

3. The names of the applicants are not included in that provisional list containing 19 names. The learned Counsel for the Applicants submit that the applicants are free of any disciplinary proceedings on the date of screening. As they were not included in the list for permanent appointment on the basis of the screening, they have filed this OA for the following reliefs:-

They pray for a declaration that they are entitled to be relieved and absorbed with effect from 4-3-1997 as Khalasis in the Mechanical Section of Carriage Repair Shop, Tirupathi, and also for consequential seniority above the juniors by holding

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the action of the respondents in the non-empanelment of the applicants and also their non-absorption into the Mechanical Section of CRS, Tirupathi, for which Unit the screening was conducted and relieving of their juniors ignoring the claim of the applicants, who are seniors as arbitrary and discriminatory.

4. An Interim Order was passed in this OA. As per the Interim Order, "If the three vacancies are available as on date, the same should not be filled in till that date i.e., 11-12-1997". It is not known whether those vacancies are still kept vacant.

5. No reply has been filed in this OA. However, the learned Counsel for the Respondents admit that the applicants were screened. But their Casual Cards are under scrutiny of the Vigilance of the Railways to check the authenticity of those Cards. That examination is still going on and the results of the Screening will be announced soon after that result is known.

6. The screening was done on 10-1-1996 and 6-2-1996. After that more than three years are over. It is unthinkable that the results even after three years could not be announced. The Vigilance cannot take abnormal time for checking the Cards. Hence, a ~~preferable~~ time limit has to be fixed to speed up the investigation of the Cards and *immediately* ~~within~~ that stipulated time the results of the applicants *have* ~~are~~ to be announced. If the applicants are

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found fit to be empanelled on the basis of the investigation and on the basis of the screening, they should be empanelled and posted against the vacancies available on the date of the ^{announcement} commencement of the results. ~~As~~ The seniority and other reliefs asked for in this OA are premature to be decided, they may approach the authorities for fixing their seniority as per rules *after they are posted*.

7. In the result, the following direction is given:-

R-5 should release the result of the screening test of the three applicants herein on or before 7-5-1999. If they are found eligible for consideration and empanelled on that basis, they should be posted against the vacancies available on that date in the appropriate Unit of the CRS, Tirupati. If they are posted, the applicants are at liberty to approach the concerned authorities for fixing their seniority suitably in accordance with law.

8. The OA is ordered accordingly. No costs.

[Signature]
(B.S. JAI PARAMESHWAR)
MEMBER(JUDL)

[Signature]
(R.RANGARAJAN)
MEMBER(ADMN)

3.2.99

DATED: this the 3rd day of February, 1999
Dictated to steno in the Open Court

DSN

[Signature]
Pr. Pr.

Copy to:

1. HOHND
2. HHRP M(A)
3. HOSJP M(J)
4. D.R.(A)
5. SPARE

Ist and IInd Court.

Typed By
Compared by

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD.

THE HON'BLE MR.JUSTICE S.H.NASIR:
VICE - CHAIRMAN

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

THE HON'BLE R.RANGARAJAN :
MEMBER (A)

THE HON'BLE MR.S.S.JAI PARAMESHWAR:
MEMBER (J)

DATED: 3.2.99

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

IN

O.A.NO : 535/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

10 (Ten) Copies.

