

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 704/97.

Dt. of Decision : 13-06-97.

N. Salomen

.. Applicant.

Vs

1. The Union of India, Rep. by Member Staff of Its Railway Board, Min. of Railway, New Delhi.
2. The General Manager, Rail Nilayam, SC Rly, S.c'bad.
3. The Sr. Divl. Electrical Engineer (TRS), SC Rly, Vijayawada.

.. Respondents.

Counsel for the applicant : Mr.P.Rathaiah

Counsel for the respondents : Mr.C.V.Malla Reddy, SC for Rmlys.

CORAM:-

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



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ORDER

Heard Mr.P.Rathaiah, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned counsel for the respondents.

2. The applicant is a Goods Driver belonging to Vijayawada Division of SC Railway. He filed OA.1540/96 on the file of this Bench praying for a direction to the respondents in that OA to implement the rule "first-in first-out" basis in booking of running staff by considering representation dated 24-11-1994. That OA was disposed of analysing various implication of first-in first-out and directing R-3 in that OA to dispose of the representation in accordance with rules. In pursuance of the direction R-3 had disposed of the representation by his letter No.B/E.150/TRS/7/A dated 15-5-96 (Annexure-4). In the reply it is stated that the first-in principle ^{is followed} taking into account to equally distribute the work amongst the Drivers without resulting in favourisation to any of crews. It is also stated by the letter that in some cases the principle of first-in first-out cannot be adhered to for the reasons stated in that letter.

3. This OA is filed praying for a direction to the respondents No.3 herein to implement the first-in first-out basis in booking the running staff declaring the action of the respondents in not considering the representation made dated 5-3-96 and 25-7-96 is arbitrary and illegal.

4. The respondents ^{has} ~~replied~~ ^{in representation} in pursuance of the direction in OA.1540/96 by the letter dated 15-5-96. This is not impugned in this OA. Further I also find that R-3 in OA.1540/96 had given reasons why the rule of first-in first-out principle cannot be strictly adhered to in some cases. The rule of first-in first-out depends purely on the ^{intention existing} ~~educational~~ ~~qualifying~~ existence. The Court/Tribunal cannot give any ruling of adhering to the principle. If any ruling is given it has to be seen that it does not jeopardise ^{strictly} ^{the} ^{rights} the rights of the travelling public and property of the nation.

Such a consideration cannot be gone into in this OA as this OA does not touch the ~~fire~~^{fire} safety principles. In view of the above I restrain ~~the~~ to give any direction in this connection but leave it to the DRM, Vijayawada, SC Railway to consider his representation and dispose of in accordance with rules. The applicant is if he/so advised/may now submit a detailed representation to the DRM, Vijayawada, SC Railway in this connection and if that representation is received the DRM shall dispose of that representation expeditiously.

5. The OA is disposed of at the admission stage itself as above. No costs.



(R. RANGARAJAN)
MEMBER(ADMN.)

*Arthava
Dy. Registrar(3)*

Dated : The 13th June 1997.
(Dictated in the Open Court)

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Copy to:

1. The Member Staff of its Railway Board,
Min. of Railways, New Delhi.
2. The General Manager, South Central Railway,
Railnilayam, Secunderabad.
3. The Senior Divisional Electrical Engineer(TRS),
South Central Railway, Vijayawada.
4. One copy to Mr.P.Rathaiah, Advocate, CAT, Hyderabad.
5. One copy to Mr.U.V.Malla Reddy, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAI, Hyderabad.
7. One duplicate copy.

YLKR

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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:

13/6/97

ORDER/JUDGEMENT

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

O.A. NO.

704/97

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.

Central Administrative Tribunal
DESPATCH

14 JUL 1997

Hyderabad Bench
HYDERABAD BENCH