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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.811/97

Date of Order: 2.7.97

BETWEEN :

R.Pratap Seelen

.. Applicant.

AND

1. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.

2. The Divisional Railway Manager,
BG/SC, S.C.Rly., Secunderabad.

3. The Senior Divisional Signal
& Telecom Engineer, S.C.Rly.,
Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.K.Sudhakar Reddy

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

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

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

JUDGEMENT

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.K.Sudhakar Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant is presently working as Office Superintendent Gr-II under R-3. He is an SC candidate. He submits that his seniority in the cadre of OS Gr-II is interpolated in the panel issued vide memo dt.26.10.92 at Sl.No. 5. He submits

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-fact-

that the above is proved by the memo No. CP/121/P.10/01, dt. 28.2.97 (A-2). In the provisional seniority list of OS Gr-II as on 1.2.97 issued on 1.3.97 (A-3) his name was not included. Hence he submitted a representation on 20.5.97 (A-4) against the provisional seniority list. That representation is still to be disposed of. In the meantime memo No. P (SG)535/UPG/OS/VolI, dt. 22.5.97 (A-5) was issued showing the select list of certain candidates to the post of OS Gr-I. In that ~~grade~~ ^{list} one Sri Bhanupratap who is also an SC candidate was included; but in the foot note it is noted that Sri Bhanupratap will be promoted on or after 12.2.98. The applicant now contends that he is senior to Bhanupratap and hence his name should have been included in the select list against the SC quota instead of Sri Bhanupratap. If the provisional seniority list had been ~~finalized~~ ^{finalized} correctly after perusing his representation dt. 20.5.97, the applicant submits, this mistake would not have been ~~happened~~ ^{crept in} ~~his name~~ and he would have been included in the select list.

3. This OA is filed praying for a direction to the respondents authorities to consider him for promotion to the post of OS Gr-I in the pay scale of Rs.2000-3200.

4. The whole issue revolves round the correct fixation of the seniority of the applicant in the grade of OS Gr-II on the basis of ~~after perusing~~ ^{seniority list finalized} his representation and also taking note of the memo dt. 28.2.97. If the case is disposed of on that basis and the reply is given to his representation then the whole issue will be resolved. Hence we feel it fit to direct R-2 and 3 to dispose of his representation dt. 20.5.97 in accordance with the law taking due note of the observations made in this judgement. The above direction will not affect the interest of Sri Bhanupratap as he will have to be promoted



only after 12.2.98. Before finalising the provisional seniority list the extant instructions for finalisation of seniority list will no doubt be followed by the respondent authorities. Time for compliance for issuing a suitable reply to the representation of the applicant dt. 20.5.97 is three months from the date of receipt of a copy of this order.

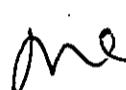
5. The OA is ordered accordingly. No costs.

6. The registry should send a copy of the OA along with judgement to R-2 and R-3.



(B.S. JAI-PARAMESHWAR)
Member (Judl.)

2.7.97

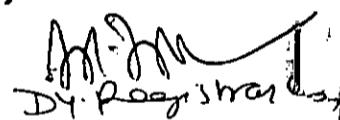


(R.RANGARAJAN)
Member (Admn.)

Dated: 2nd July, 1997

(Dictated in Open Court)

sd



D.Y. Prakash

Copy to:-

1. The Chief Personnel Officer, S.C.Rly, Railnilayam, Sec'bad.
2. The Divisional Railway Manager, Bg/SC, S.C.Rly, Sec'bad.
3. The Senior Divisional Signal & Telecom Engineer, S.C.Rly, Sec'bad.
4. One copy to Sri. K.S.Reddy, advocate, CAT, Hyd.
5. One copy to Sri. V.Rajeswara Rao Addl. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

Rsm/-

26/7/97

CHECKED BY
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TYPED BY
COMPARED 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
(D)

DATED

26/7/97

ORDER/JUDGEMENT

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

D.A.NO.

in
811/97

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 विधिकरण
Central Administrative Tribunal
रेप्लिक/DESPATCH

27 JUL 1997

हैदराबाद न्यायालय
HYDERABAD BENCH