

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

...
O.A.No.846/97.

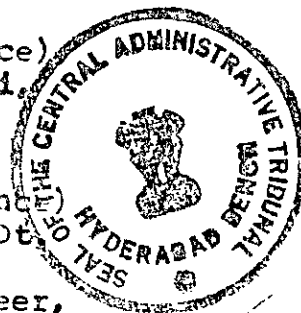
Date of Disposal: 28--7--1997.

Between:

S. Sai Babu Applicant.

and

1. The Assistant Engineer (Maintenance)
S.C.Railway, Renigunta, ~~Chittoor~~ Tirupathi,
Chittoor District.
2. The Divisional Engineer (Maintenance)
S.C.Railway, Guntakal, Anantapur Dt.
3. The Deputy Chief Mechanical Engineer,
Carriage Repair Shop, S.C.Railway,
Tirupathi, Chittoor Dt.
4. The General Manager, S.C.Railway,
Rail Nilayam, Secunderabad. .. Respondents.



Counsel for the applicant: Sri Krishna Devan.

Counsel for the respondents: Sri K.Siva Reddy.

CORAM:

HON'BLE SHRI R.RANGARAJAN, Member (A)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (J)

JUDGMENT.

(per Hon'ble Shri R. Rangarajan, Member (A).
--:-

Heard Sri Krishna Devan, the learned counsel for
the applicant and Sri K. Siva Reddy for the respondents.

The applicant is now working as Khalasi under
Chief Permanent Way Inspector (CPWI), Sri Kalahasti, who
is under the control of the Respondent No.1. Earlier
he was transferred in the same capacity as Khalasi to

Se 12 C

Carriage Repair shop at Tirupathi in the grade of Rs, 750 --- 940 (RSRP) vide Office Order No. TR/P 564/CL.IV/Engg. CLS/Sub dated 8--3--1991 issued by the 3rd respondent. At that time, he was working in Tirupathi under Construction Wing. It is stated that there ^{was} ~~is~~ a Disciplinary Case pending against the applicant when he was working under Construction Wing and hence he was not relieved. He was transferred to open line on 26--4--1996 in the same capacity even though Disciplinary Proceedings initiated by Construction Organisation were not disposed of. Those Disciplinary Proceedings are still continuing. In the meantime the applicant has filed this O.A., praying for a direction to the 1st respondent to relieve him to the Carriage Repair Shop at Tirupathi as unskilled Khalasi with effect from 12/13-4-1991 with consequential seniority and promotional benefits in the Mechanical Department.

When the O.A., was taken up for hearing at the admission stage, it was pointed out by the counsel for the ^{respondent} ~~applicant~~ that the applicant wants relief from ~~an~~ an earlier date i.e., from 8-3-1991 when he was working under construction organisation. No official of the construction organisation under whom the applicant was working was impleaded in the O.A., and hence no direction can be given for this relief. The learned

JK

1

counsel for the applicant was directed to check up from his client whether he ^{would} ~~will~~ modify his prayer for the relief from the open line organisation now as he is working under the 1st respondent who is the open line official.

The learned counsel for the applicant after consulting his ^{client} ~~counsel~~, submitted today that he will ^{be} ~~satisfy~~ in the present O.A., if a direction is given for relieving the applicant from the control of Respondent No.1 to join the Carriage Repair shop, Tirupathi. As regards his contention for the earlier relief and consequential benefits he submitted that he will take up that case through Departmental authorities.

In view of the above submission by the learned counsel for the applicant, the O.A., is restricted for a direction to the respondents to relieve him from open line organisation under Respondent No.1 to join CRS, Tirupathi ^{now} and the conduct of the pending enquiry to be done by the Mechanical Branch at Tirupathi by the Respondent No.3.

The learned counsel for the respondents submitted that he has no objection ^{if} ~~for~~ the ^{modified} ~~modification~~ of the prayer is taken for adjudication.

3

1

2

The applicant now submits that ~~to the effect of~~ relief from construction organisation to join Mechanical Work shop at Tirupathi was not considered as he was ^{with a} issued ~~the~~ charge sheet in the construction branch. That Charge-sheet is not yet disposed of. In the meantime, he has been transferred to open line, even though the charge-sheet is pending. In the case of one Subhan, who was similarly placed as the applicant, ^{had} filed O.A.1172/91 on the file of this Bench which was disposed of on 28--12--1992 directing the respondents in that O.A., to give effect to the result of the screening and to absorb him in the Technical category with effect from the date on which juniors to him have been absorbed. When a precedence is there, the applicant submits that there will be no difficulty for the respondents to relieve him now from the control of Respondent No.1 to join the Mechanical Workshop at Tirupathi even though the Disciplinary Proceedings are pending and have not been completed.

The applicant now submits that he has submitted a representation dated 5-5-1996 addressed to the General Manager (Respondent No.4) (Annexure 11 Page 24 of the O.A.) and that representation is still pending. In view of that the learned counsel for the applicant suggested that Respondent No.4 may be directed to dispose of that representation in accordance with law taking due note

32

of the directions of this Bench in O.A.1172/91.

We have gone through the representation dated 5-5-1996 addressed to the 4th respondent. In that representation, the applicant requests for his relief from the control of AEN (Gauge conversion) Srikalahasti, Tirupathi to join the Carriage Repair Shop, Tirupathi. Hence ~~he~~ in view of the modified relief in this O.A., the applicant can ^{must} ask the General Manager to consider his case for relief from ~~the~~ Respondent No. 1 to join ~~as Respondent~~ under Respondent No.3. The learned counsel for the applicant submitted that he will make the necessary correction in his representation dated 5-5-1996 or alternatively he will file a fresh representation to Respondent No.4.

In view of the above, we feel that the ^{corrected} representation either ~~renewed~~ one or a fresh one, if submitted by the applicant, within a fortnight from the date of receipt of this judgment, addressed to Respondent No.4, that representation should be disposed of by ^{the} Respondent No.4 within two months from the date of receipt of the representation. The applicant is at liberty to approach the concerned for his ^{claimed} earlier relief from construction wing and the consequential benefits if so advised.

The learned counsel for the applicant submits that the applicant is asked to pay penal rent from ^{January} June, 1997

as he is working under Respondent No.1 at Sri Kalahasti
 and he is residing with his family ^{in a quarter} at Tirupathi which
 was allotted to him ^{when he was working} under construction organisation.
 But that is a new prayer and hence no direction can be
 given in this O.A., However, the applicant is at
 liberty to approach the concerned authorities ~~in the~~
~~Organisation~~ ^{for} the said relief which he is now
 praying for.

With the above directions and observations
 the O.A., is disposed of at the admission stage itself.
 No costs.

सत्यमेव जयते
 CERTIFIED TO BE TRUE COPY

[Signature]

न्यायालय अधिकारी
 COURT OFFICER
 केन्द्रिक प्रशासनिक अधिकरण
 Central Administrative Tribunal
 हैदराबाद ब्याचरीठ
 HYDERABAD BENCH

(B.O.)

[Signature]

Case No.	OA 846/97
Case Name	
Date of Filing	28/7/97
Date of Disposal	31/7/97
Copy Made	
Signature of Officer (J)	