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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No. 943. /97  
(O.A.S.R.No.2226/97.)

Date: 24th July, 1997.

Between:

1. G.Gnaneswar Rao.
2. Abdul Jaleel.
3. S.Md. Dastagiri.
4. Lakshmappa.
5. Ram Kilavan.
6. N.Ramadass.
7. Sd. Usman.
8. Sd. Umrar.
9. R.Mahanandu.
10. Ahmad Ali.
11. M.K.Ghosh.
12. Arjun Koet.
13. A.Freddy.
14. S.N.Nagarajulu.
15. Poornavashi Ram.
16. J.B.P. Singh.

.. Applicants.

And

1. Union of India represented by General Manager, South Central Railway, Rail Nilayam, Secunderabad - 500 071.
2. Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal, Ananthapur District.
3. Senior Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal, Ananthapur District.
4. Senior Divisional Mechanical Engineer (Diesel) South Central Railway-cum-Chairman of the Selection Committee for selection to the posts of Passenger Drivers, Guntakal Dn., Guntakal, Ananthapur District. Respondents.

Counsel for the applicants: Sri G.Ramachandra Rao.

Counsel for the respondents: Sri V.Rajeswara Rao.

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).  
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Heard Sri G.Ramachandra Rao for the applicants

and Sri V.Rajeswara Rao for the respondents.

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There are 16 applicants in this O.A.

It is seen from the cause-title that applicants Nos., 1, 2, 3 and 4 are Passenger Drivers, and applicants Nos., 5 and 6 are Senior Goods Drivers and applicant Nos., 7 to 16 are Goods Drivers.

It is stated that applicants Nos., 1 to 3 are working as Passenger Drivers for a considerable time. <sup>A</sup> The selection was held for filling up

the posts of Passenger Drivers by issuing a Notification in accordance with Rule 140 of the Indian Railway Establishment Manual, Vol. I

(IREM.) By Proceedings No. G/P.608/III/PDR/Vol.16

dated 18-7-1996 of the 3rd respondent herein,

225 drivers were called for the selection to the

post of passenger drivers in the scale of pay of

Rs.1600--2660 (Annexure I to the O.A.). On the

basis of the selection, a panel was formed

consisting of 74 drivers as seen from Office

Order No.29/97 of Mechanical Engineering (G./P.608/III/PDR

Vol.16 dated 10-7-1997 (Annexure II to the O.A.)

The names of the applicants in this O.A., are not

found in the select list dated 10-7-1997. The

applicants contend that three of them in the list

of applicants were already working as Passenger

drivers on ad hoc basis and the rest of the

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drivers are fully conversant with the running of the trains. Hence, superseding them as ~~junior~~ <sup>drivers for the post of passenger drivers</sup> is not justified. They ~~have~~ further submit that the relevant para<sup>24</sup> in the IREM Vol. I is not fully followed for the selection as the applicants were called for viv-voce which is not contemplated in the rule. The posts are to be filled in as non-selection and for that ineligible candidates have to be notified in accordance with Rule 214 of IREM Vol.I.

This O.A., is filed for setting aside the impugned Panel O.O.No.29/97 Mechanical Engineering (G/P.608/III/PDR/Vol.16) dated 10-7-1997 and quash the same with consequential directions to the respondents to recast the panel by including the names of the applicants at the appropriate places with all attendant benefits.

It is stated that the applicants have submitted a detailed representation. But the Representation (Annexure IV) is only enclosed to the O.A. Even this representation has been made on behalf of the Joint Secretary of All India Loco Running Staff Association, South Zone. It is not an individual representation. It may be possible that the Railway Administration may not consider this representation if it is not filed by a

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recognised Union. But it is not necessary to elaborate further on this point at this juncture. Further, the posts of Goods Drivers are controlled by the Division. Hence the ~~Property~~ Authority to consider the representation of the applicants is the Divisional Railway Manager or his Subordinate Officers<sup>s</sup> who ~~are~~<sup>are</sup> in-charge <sup>of operation at the divisional level</sup> ~~on authorisation~~. It is essential that the representation should be addressed to the 2nd Respondent, Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal, so that he can consider the various contentions raised in the representation effectively in accordance with law.

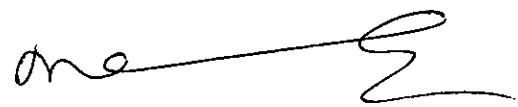
Hence, it is essential that the applicants herein now should submit a detailed representation to the 2nd Respondent herein either individually or in one lot, collectively, ~~to the 2nd respondent~~ making their grievances and also the various <sup>Contentions</sup> ~~difficulties they are facing~~ which are essential to be brought to the notice of the 2nd respondent. ~~On That~~ <sup>Such</sup> a representation should be filed by the applicants expeditiously so that the whole issue can be considered by the 2nd respondent and decided within a short time. In that view, the applicants should submit their representation as above within

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seven days from today. If such a representation is received, the 2nd respondent should dispose of the same in accordance with law. Till such time the representation is disposed of, the panel dated 10-7-1997 should not be operated. If the panel is partially <sup>already, then</sup> operated, the <sup>un</sup>operated portion of the panel dated 10--7--1997 should not be operated till the disposal of the representation <sup>has been submitted</sup> of the applicants herein. If the applicants fail to submit their representation within seven days from today, then the respondents are at liberty to operate the panel without any reservation.

With the above directions, the O.A., is ordered at the admission stage itself. No costs.


  
B.S. JAI PARAMESHWAR,  
MEMBER (J)

  
R. RANGARAJAN,  
MEMBER (A)


24.7.97  
Date: 24th July, 1997.

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Dictated in open Court.

NOTE:

C.C. by 25-7-1997  
(B.O.)  


SSS.

  
D.R. (J) <sup>25.7.97</sup>

Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal, Ananthapur District.
3. Senior Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal, Ananthapur District.
4. The Senior Divisional Mechanical Engineer (Diesel) South Central Railway-cum-Chairman of the Selection Committee for selection to the Posts of Passenger Drivers, Guntakal Divn, Guntakal, Ananthapur District.
5. One copy to Mr. G. Ramachandra Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Rajeswara Rao, Advocate, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate.

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29/7/97

C.C. today

TYPED BY  
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: 24/7/97

ORDER/JUDGEMENT

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

in

O.A.NO. 943/97

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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II Court.

