

22

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A.No.978 of 1997.

Dated the 4th August, 1997.

Between :

K. Siva Prasad Rao. ... Applicant

And

1. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.

2. The Workshop Personnel Officer,
Rayanapadu Wagon Workshop,
S.C.Railway, Guntupalli,
Krishna District. ... Respondents.

Counsel for the Applicant - Mr. P. Krishna Reddy

Counsel for the Respondents- Mr. V. Rajeswara Rao, S.C.

Coram :

The Honourable Mr. R. Rangarajan, Member (Admn.)

The Honourable Mr. B. S. Jai Parameshwar, Member (Jal.)

O R D E R (ORAL)

(As per Hon. Mr. B. S. Jai Parameshwar, Member (Judicial))

1. Heard Mr. V. Krishna Reddy, learned counsel for the applicant and Mr. V. Rajeswara Rao, learned Standing Counsel for the respondents.
2. The applicant was working in the Wagon Workshop, Guntupalli, Krishna District. It is stated that he belonged to the S.T. community. He joined the railway service as Chargeman-B on 6.4.84 against the direct recruitment quota. He was promoted as Chargeman-A and on 28.2.89, he was promoted as the Deputy Shop Superintendent (now redesignated as Junior Engineer-II) on ad hoc basis in a non-fortuous vacancy. By order dated 12.6.93 his services were regularised as the Deputy Shop Superintendent with effect from 1.3.93 as against the restructured vacancy. It is stated that the applicant had worked for more than 4 years as the Deputy Shop Superintendent

52

continuously till 1.3.93. As on that date, there were 7 posts of the Shop Superintendent lying vacant in the Wagon Workshop including one backlog vacancy reserved for the Scheduled Tribe candidate. It is stated that there was no S.T. candidate in the category of Shop Superintendent in the Wagon Workshop. It is stated that he had submitted a representation dated 20.9.96 and also another representation through his counsel dated 30.10.95 for considering his case for promotion with effect from 1.3.93 in the scale of pay of Rs.2375-3500 (RSRP) to the post of Shop Superintendent along with the consequential benefits. His main contention is that he was promoted as the Deputy Shop Superintendent on regular basis on 1.3.93 as against the restructured post. Earlier to that he was working as the Deputy Shop Superintendent from the year 1989 on ad hoc basis. Hence in the vacancy of Shop Superintendent available as on 1.3.93 he should have been promoted to that post as he had put in more than 3 years of service as the Deputy Shop Superintendent which includes the service on ad hoc basis. There was no rule which prevents ^{ad} the counting of ad hoc service for the service eligibility of two years. Hence he has filed this O.A. praying for a direction to the respondents to give him promotion as Shop Superintendent in the Wagon Workshop which post is presently designated as Senior Section Engineer in the Wagon Workshop, Guntupalli reserved for the S.T. candidate with effect from 1.3.93 with all consequential benefits.

3. The contention of the applicant is clear. He has completed 2 years of service even on regular basis as the Deputy Shop Superintendent as on 1.3.95. If there was a backlog vacancy for the S.T. candidate as on 1.3.95, he should have been promoted ^{considering} against the

3

backlog vacancy. It appears that he has not been promoted against that vacancy. In view of the existing position, he had filed the representations referred to above. Hence we feel that it is preferable to direct the Respondent No.2 to dispose of the representation of the applicant forthwith in accordance with law within three months from the date of receipt of a copy of this order.

4. In the result, the O.A. is disposed of directing the Respondent No.2 to dispose of the representations of the applicant within three months from the date of receipt of a copy of this order. If he requires any clarification from the Respondent No.1, the same should be obtained from within the said stipulated period.

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

Registry to send a copy of the O.A. along with the copy of this order.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDICIAL)

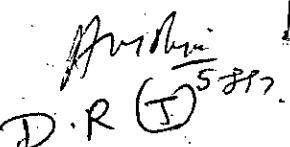
4/89


(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

Dated the 4th August, 1997.

Dictated in the Open Court.

DJ/


D.R. (S.R.)

25

Copy to:-

1. The Chief Personnel officer, South Central Railway, Rail Nilayam,
2. The workshop Personnel Officer, Rayanapadu Wagon Workshop,
South Central Railway, Guntupalli, Krishna Dist.
3. One copy to Mr. P. Krishna Reddy, Advocate, G.A.R. Hyderabad.
4. One copy to Mr. V. Rajeswara Rao, S.C/Railway, C.A.T. Hyderabad.
For
5. One Copy to The Hon'ble Sri B.S. Jai Parmeshwar, Member (J)
6. One Copy to The D.R. (A).
7. One Duplicate Copy.

Upr.

all set

4 YD 2000

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: 4-8-97

ORDER/JUDGEMENT

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

D.A. NO.

in

978/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions, at the Admin. stage

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक विभिन्नरण
Central Administrative Tribunal
DESPATCH

- 8 AUG 1997

KMP

हैदराबाद न्यायपीठ
HYDERABAD BENCH