

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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C.A. 109/97

Dt. of Decision 25-12-98

V. Prasad Rao

..Applicant.

vs

1. The General Manager,  
SE Rly, Garden Reach,  
Calcutta-43.
2. The Chief Security Commissioner,  
Railway Protection Force,  
SE Rly, Garden Reach,  
Calcutta-43.
3. The Chief Personal Officer  
SE Rly, Garden Reach,  
Calcutta-43.

..Respondents.

Counsel for the applicant : Mr. T. Bhaskara Reddy

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

CORAM:-

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

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

ORDER

78

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

None for the applicant. Heard Mr.C.V. Malla Reddy, learned counsel for the respondents. As it is a case of 1997 it is disposed of under Rule 15(1) of the CAT (Procedure), Rules, 1989.

2. No reply has been filed in this OA. The learned counsel for the respondents submit that inspite of repeated reminders to the respondents no parawise remarks has been given to him for filing the reply. We are unhappy with the above submission. We express our dis-pleasure and that should be put up to the DRM of his information so that this may not be repeated in future. The DRM should inform us in regard to his instructions to the section for ensuring the filing of reply in time within a period of two months from the date of receipt of a copy of this judgement.

3. The applicant while working as OS Gr-II under the Divisional Security Commissioner, SE Railway, Visakhapatnam was considered for promotion for the post of OS Gr-I in the scale of pay of Rs.2000-3200/- and the same was offered to him from 1-11-92 onwards and was posted at DSS office KUR. The applicant was to retire on 31-12-93. The applicant submits that as he was at the end of his <sup>Covid</sup> ~~retirement~~ he could not carry out the transfer on promotion to KUR as OS Gr-I. The applicant submitted number of representations for retaining him at Waltair itself based on the order of the Railway Board letter dated 27-1-93 in regard to the restructuring of certain Group-C and Group-D cadres. But his request appears to have been rejected and he was informed by letter No.389/92 dated 24-12-1992 (Annexure-4) that

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*debarred*  
he was ~~detained~~ for promotion to the post of OS Gr-I for one year from 10-09-92 i.e., the date <sup>on</sup> from which the posting order for promotion to OS Gr-I dated 10-09-92 was originally issued in terms of para-1 of the Railway Board's letter dated 21-1-65. Hence, the applicant did not get promotion till he retired from service on 31-12-93.

4. This OA is filed praying for a declaration that the inaction of the respondents in not promoting him as OS Gr-I from 1-3-93 is irregular and for a consequential direction to pay the financial benefits as per the Railway Board order.

5. The applicant had submitted <sup>a</sup> number of representations for retaining him at Waltair in the higher grade post as OS Gr-I instead of posting him at KUR. But it appears that those requests have not been acceded to and he was informed by letter No. 389/92 dated 24-12-92 (Annexure-4) that his refusal for promotion is accepted and he will not be considered for promotion for a period of one year from the date of issue of the promotion order. If the applicant is aggrieved by the letter dated 24-12-92 he should have approached this Tribunal challenging that letter within a year. But, unfortunately, he filed this OA only on 6-12-1996 i.e., about 4 years after the issue of the letter dated 24-12-92. The applicant also kept quite from approaching the forum even after his retirement for about 3 years. That shows that the applicant was not interested in pursuing his case. But it appears <sup>that</sup> he has filed this OA to get some benefits if it is granted by the Tribunal. Such attitude of the applicant cannot be accepted. Further it is seen that the applicant has not challenged the letter dated 24-12-1992 even in

*JK*

*Present* *even as O.S. Mr.]*  
the OA. Hence, the applicant was not posted after the expiry  
of one year period, presumably because no post was vacant before  
his retirement after the expiry of the one year period.

6. Considering all the facts we feel that there is no  
merit in this OA. Hence, the OA is dismissed. No costs.

*B*  
(B.S.JAI PARAMESHWAR)  
MEMBER(JUDL.)  
25.11.98

*R*  
(R. RANGARAJAN)  
MEMBER(ADMN.)

Dated : The 25th Nov. 1998.  
(Dictated in the Open Court)

spr

*DR*  
DR 3011-98

Copy to:

1. The General Manager, South Eastern Railway, Garden Reach, Calcutta.
2. The Chief Security Commissioner, Railway Protection Force, South Eastern Railway, Garden Reach, Calcutta.
3. The Chief Personnel Officer, South Eastern Railway, Garden Reach, Calcutta.
4. One copy to Mr.T.Bhaskara Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr.C.V.Malla Reddy, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A),CAT, Hyderabad.
7. One Duplicate copy.

YLKR

प्र०/ORIGINAL

28-1-1997

M.A.101/97 in OA SR 3948/96

बच के बाबा जिंच केस

रेलवे/RAILWAY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH.

Mr. D. Dhilleswara Rao for applicant  
Mr. V. Rajeswara Rao for Mr. C.V.  
Malla Reddy for respondents.

M.A. NO. 101 1996

IN  
O.A. NO. 3948/1996

Notice to the respondents to  
show cause why delay be not con-  
doned. Mr. V. Rajeswara Rao,  
Standing Counsel now appears for  
Mr. C.V. Malla Reddy for respondents  
and ~~and~~ ~~and~~ submits to the orders of the  
court. In the circumstances of  
the case, delay is condoned.  
O.A. be registered.

M.A. disposed of.

HRR  
M(A)

HMG C(J)  
VC

VM

Condon the delay of 1 year 4 months  
in filing OA.

Mr. D. Dhilleswara Rao  
COUNSEL FOR THE APPLICANTS

AND

Mr. \_\_\_\_\_

Sr. Addl. Standing Counsel for  
C.C. Rlys.