

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP 74/2000 in OA 1439/97

DATE OF ORDER : 13.10.2000

Between :-

1. B.V.S.Rama Mohan Kumar
2. S.V.Subba Rao

...Applicants

And

1. The General Manager,
SC Rlys, Sec'bad.
2. The Divisional Railway Manager,
SC Rlys, Bezawada.
3. The Sr.Divisional Personnel Officer,
SC Rlys, Vijayawada.

...Respondents

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Counsel for the Applicants : Shri Krishna Devan

Counsel for the Respondents : Shri J.R.Gopal Rao, Addl.CGSC

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CORAM:

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

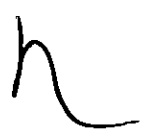
THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)?).



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...2.



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

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Heard Sri Krishna Devan, learned counsel for the applicant and Sri J.R.Gopal Rao, learned standing counsel for the respondents.


2.. The O.A. was disposed of by the following order :-

The private respondents 4 to 6 should be subjected to final assessment test on the same syllabus by which the applicants were put to final test. The question paper now to be set for examining the private respondents 4 to 6 should be more or less on the same lines as that was given to the applicants in the year 1992. But the respondents should decide the type of questions to be asked in accordance with the syllabus and no rigid direction can be given in regard to the setting of the question paper. On the basis of the results, the inter-se seniority list of the applicants and the private respondents 4 to 6 should be finalised and issued. On that basis calling of applicants and the private respondents for further promotion should be decided.

The counsel for the applicants contends that the seniority should be on the basis of the marks whereas the reading of the final direction does not indicate so. The applicants rely on para-13. Para-13 in our opinion means empanelling or not empanelling the applicants based on the results of the examination. Nothing further can be derived from para-13 of the O.A. judgement. However, the applicants are at liberty to challenge the impugned order dated 31.12.1999.

3. With the above observation the CP is closed. No costs.


(B.S. JAI PARAMESHWAR)
Member (A)


(R. RANGARAJAN)
Member (A)

avl/

Dated: 13th October, 2000.
Dictated in Open Court.

