

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 115/97

Date of Order : 11.9.98

BETWEEN :

1. H.Ramachandran
2. L.Seetharam
3. Muthyala Mangaiah

.. Applicants.

AND

1. The Union of India, rep. by the
General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer,
S.C.Rly., Secunderabad.
3. The Divl.Railway Manager, (Commercial),
S.C.Rly., O/o DRM's Office, Guntakal.
4. Sr.Divisional Personnel Officer,
S.C.Rly., Guntakal.
5. M.Ranganna
6. B.Sunder Raju
7. M.Ramachandra
8. K.Rama Murthy
9. B.Balaiah
10. K.Krishna

.. Respondents.

Counsel for the Applicants

.. Mr.S.RamakrishnaRao

Counsel for the Respondents

.. Mr.J.R.Gopala Rao

CORAM :

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

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

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X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.S.Ramakrishna Rao, learned counsel for the applicants.

2. There are three applicants in this OA. The prayer and contentions raised in this OA are similar to the prayer and contentions raised in OAs 12/97, 1351/96 and 14/97. Hence it is not necessary to traverse those details in this judgement.

3. A reply has been filed in this OA. The reply given is the same as the reply given in the other OAs referred to above. Para-4 of the reply is relevant which reads similarly as given in the other OAs. The only additional point mentioned in para-4 of the reply is that applicants 2 and 3 ^{were} ~~are~~ absorbed as ^{Survors} ~~Survivors~~. The reason for not absorbing other applicant, has not been indicated in the reply. The learned counsel for the respondents is also unaware of any reasons. Hence we follow the directions given in OA.14/97 and 1351/96 and direct as follows :-

(a) The OA does not survive in regard to the applicants ^{Survors} ~~a~~ and 3 herein as they were already absorbed as ~~Survivors~~.

(b) The respondents should immediately indicate the reason for choosing the applicants 2 and 3 only for appointing them as ^{Survors} ~~Survivors~~ and not ^{the} other applicant. If the applicants 2 and 3 are seniors on certain basis then the same should have been indicated in the reply. As the reply is silent it becomes necessary for us to give ^{no} a direction to inform the applicant for choosing only

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the applicants 2 and 3 for absorption as ^{Survivors} Survivors and not the other applicant.

(c) The respondents should inform the applicant, whether ^{No 1} ~~his~~ his name is in the list and if so his seniority position in that list.

(d) If his name is not in the list then the respondents should inform stating the reasons for not including the name of the applicant ^{No 1} other than the applicants 2 and 3 in that list.

(e) If the applicant ^{No 1} is aggrieved by the reply to be given ^{as per} ~~for~~ the direction as above he is at liberty to approach this Tribunal challenging the same in accordance with the law.

(f) Time for compliance is 2 months from the date of receipt of a copy of this order.

4. The OA is disposed of with the above directions.
No costs.

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

(R. RAGARAJAN)
Member (Admn.)

Dated : 11th September, 1998

(Dictated in Open Court)

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