

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1176/97

Date of Order: 9.9.97

BETWEEN:

M.Magendran

.. Applicant.

AND

1. Divisional Railway Manager (P),
S.C.Rly., Secunderabad BG
Division, Secunderabad.
2. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
3. J.G.Sudhakar
4. S.S.Murthy
5. Ch. Subba Rao

.. Respondent.

Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.D.F.Paul

CORAM:

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

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

J U D G E M E N T

(Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.)) (

Mr. G.V.Subba Rao, learned counsel for the applicant
and Mr.D.F.Paul, learned standing counsel for the respondents.

2. The applicant is a Skilled Grade-I Truck Driver working
under Chief ~~Traction~~ Traction Foreman at Kazipet. An integrated
seniority list was issued vide Annexure-9 (page-23). The name
of the applicant did not figured in that integrated seniority
list. Hence the applicant filed a representation. On the basis

Ilw



.. 2 ..

of that representation notice was issued to the affected parties by letter No. C.P./676/OHE/ANC/TRD, dt. 31.1.95 (A-4) calling for their objections if any to include the name of the ^{applicant} in the seniority list dt. 10.3.92 below Sl.No.10 and above Sl.No.11 of the seniority list dt. 10.3.92. It is stated that the applicant was informed of his seniority by letter No. CP/676/OHE/ANC/TRD, dt. 27.6.97 (A-1). Against that order the applicant had filed a representation dt. 1.8.97. It is stated that the representation ^{was} ~~has been~~ filed to show him above Sri J.G.Sudhakar in the skilled Grade-II seniority list. That representation is yet to be disposed of. In the meantime a selection is being conducted tomorrow for the post of Master Craftsman from the eligible senior candidates who are working now in the grade of Trunk Driver Gr-I. It is also stated ^{the post of} that another test for Junior Engineers Gr-II is also to be conducted on 13.9.97.

3. This OA is filed praying for a direction to set aside the impugned orders of DRMP, Secunderabad letter No. CP/676/OHE/ANC/TRD, dt. 27.6.97, letter No. CP/676/MCM/TRD/I, dt. 14.8.97 and letter No. CP/605/Selection/ELE'B'/TRD, dt. 10.7.97 and 22.8.97 by holding them as arbitrary, illegal and unconstitutional, violative of Articles 14 and 16 of the Constitution and for a consequential direction to the respondents 1 and 2 to correctly fix the seniority of the applicant above the respondents 3, 4 and 5 in the grade of highly skilled III, II and I and hold selection for filling up of the vacancies in the category of Junior Engineer and Master Craftsman in scale Rs.1400-2300 in the TRD Organisation by issuing fresh alert notices as per the revised seniority of the applicant.

4. The applicant has submitted a representation dt. 1.8.97 (A-8), that representation ~~will~~ challenges the letter dt. 27.6.97

R



.. 3 ..


which

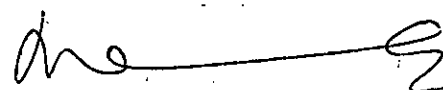
is yet to be disposed of. It is essential that the respondents should give him a detailed reply to his representation dt. 1.8.97 after giving notice to the affected parties.

5. In the meantime the selections for the post of Master Craftsman and Junior Engineer Gr-II had already been programmed. It would be unfair to stop the selection proceedings in the last minute. Hence we are of the opinion that the selection proceedings should be conducted as scheduled. But the results of the selection proceedings should not be finalised until the representation of the applicant dt. 1.8.97 is disposed of. If on the basis of the consideration of his representation dt. 1.8.97 the applicant is ^{found} also eligible for consideration to the above said post of Master Craftsman and Junior Engineer Gr-II he should also be examined by conducting a supplementary selection and on the basis of ^{his} ~~his~~ ^{at the appropriate place} selection his name should be interpolated in the final selection list if he qualifies in the supplementary selection.

6. With the above direction the OA is disposed of.

No costs.


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

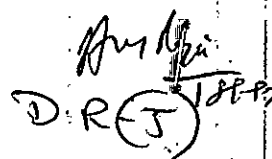

(R.RANGARAJAN)
Member (Admn.)

9.9.97

Dated: 9th September, 1997

(Dictated in Open Court)

sd


D.R.(J)

DA.1176/97

1. The Divisional Railway Manager (P), South Central Rail
Secunderabad BG. Division, Secunderabad.
2. The Chief Personnel Officer, South Central Railway,
Rail Nilayam, Secunderabad.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT., Hyd.
4. One copy to Mr.D.F.Paul, SC for Rly., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One copy to duplicate.

288
6/10/97

(6)

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: 9/9/97

ORDER/JUDGEMENT

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

in

O.A. NO. 1176/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

वेपथु/DESPATCH

21 OCT 1997

हयराबाद बेंच
HYDERABAD BENCH