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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 12/97

Date of Order: 11.9.98

BETWEEN :

1. M.Shahshab
2. D.Dastagiri
3. S.Gani
4. S.Fakruddin

.. Applicants.

AND

1. The Union of India, rep. by the General, 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 D.R.M'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
11. Md. Usman
12. M.Gopal
13. M.V.Ramana

.. Respondents.

Counsel for the Applicants

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

CORAM :

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

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

O R D E R

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

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

2. There are four applicants in this OA. They have given their date of engagement as Commission Vendors/Bearers in Vegetarian Refreshment Room, Guntakal, in S.C.Railway, Guntakal division and they have given the number of days they have worked in page-3 of the OA.

3. The main grievance is that the juniors are continuing as Commission vendors/bearers whereas the applicants were left out. They quoted about 15 names in pages- 7 and 8 of the OA who were appointed regularly and they ^{were} junior to the applicants. The applicants have not submitted any representation in this connection so far to the respondents.

4. This OA is filed to set aside the letter No.G/P.564/PRL/Con/96, dated 14.11.96 whereby some Vendors/Bearers were called for screening test wherein the names of the applicants did not find a place and for a consequential direction to R-1 to 3 to absorb them earlier to the others on the basis of the seniority as per the guidelines of the Apex Court with all consequential benefits.

5. Para-4 of the reply is relevant. That para is re-produced below :-

"It is submitted that as stated in earlier para in pursuance of Hon'ble Supreme Court judgement in T.I. Madhavan v/s. Union of India (1988/supp. SCC 437) in Guntakal Division 163 persons were identified and listed and a seniority list was published vide Senior Divisional Personnel Officer/Guntakal letter No.564/II/Catg/dated 28.6.1996 assigning

seniority on the basis of date of engagement, to absorb them progressively to the permanent posts of catering service at commercial Branch, and accordingly the impugned letter G/P.564/PRL/com.196 dated 14.11.96 was issued calling first 57 senior persons for screening test. Meanwhile in view of the policy drawn by zonal authorities and circulated vide Dy.Chief personnel officer, south central railway, secunderabad letter No. (C)563/CLS/Comm/Absorption/pilot dated 18.12.95 (Annexure R1) according to which the commission Bearers and Vendors are also to be considered for filling up the group-D vacancies of other Branches as per the suitability depending on qualifications prescribed for the post, the proposed screening vide impugned letter dated 14.11.1996 is given up. But however action is taken to absorb the listed commission vendors/bearers against the available vacancies of group-D posts of other Department. Provided they fulfill the conditions/qualifications attached to the post of other Departments. On this division 17 commission Vendors/Bearers have been absorbed as Diesel Khalasis of Mechanical Branch as they possessed necessary qualifications prescribed to the post of Diesel Khalasis. The applicants herein were not considered for the above posts of Diesel Khalasis as they do not possess the academic qualification required for the post. However, as stated earlier in above paras, the 22 listed commission vendors/bearers were also absorbed as Servers of Catering Department on the basis of Seniority assigned on the basis of date of engagement. Therefore, it is submitted that all the listed commission Vendors and Bearers will be absorbed in progressive manner to the catering services on their turn based on their seniority and for other branches/departments posts not only on their seniority but also on their fulfilling the other qualifications attached to the posts".

6. From the above para it appears that the respondents have considered all the Commission Bearers and Vendors as per the seniority on the basis of the number of days of service put in by them as ^{Contract} Commission Bearers and Vendors and a list has been prepared accordingly. It is also seen from the reply in para-4 that the Commission Bearers and Vendors will also be absorbed in other departments as Group-D staff if they fulfill the required education and other qualifications for absorption in that department. In case they are not ^{fit} found to be absorbed in the other department they will be absorbed as Commission Bearers and Vendors in the catering department.

7. In view of the above reply there is no need to give any direction to consider the case of the applicants also. However it is not known whether the names of the applicants find place in the list prepared by the administration ^{as stated} in para-4 of the reply. The reply is silent in this connection. The learned counsel for the respondents is also ignorant of the position in regard to the ^{insertions} ~~instructions~~ of their names in the said list. Hence we are left with no other alternate except to give the following direction :

- (a) The respondents should immediately inform the ^{whether} applicants ~~if~~ their names are in that list and if so their seniority position in that list.
- (b) If their names are not in the list then the respondents should inform stating the reasons

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ask why their names are not in the list.

are
(c) If the applicants are aggrieved by the reply to be given for the direction as above they are at liberty to approach this Tribunal challenging the same in accordance with the law.

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

8. The OA is disposed of with the above directions.

NO COSTS.

(B.S. JAI PARAMESHWAR)

Member (Judl.)

11.9.98

(R.RANGARAJAN)

Member (Admn.)

Dated : 11th September, 1998

(Dictated in Open Court)

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Amby
10.2.1717

OA.12/97

Copy to:-

1. 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 D.R.M's Office, Guntakal.
4. The Sr.Divisional Personnel Officer, S.C.Rly., Guntakal.
5. One copy to Mr. B.Ramakrishna Rao, Advocate, CAT., Hyd.
6. One copy to Mr. C.V.Malla Reddy, Addl. GSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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16/10/98
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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD, BENCH HYDERABAD

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

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR, M(B)
M(J)

DATED: 16/10/98

ORDER/JUDGMENT

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

in
O.A.NO. 12/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

