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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.13/97.

Dt. of Decision : 05-01-99.

1. Ch. Yesanna
2. S.S.Khaetri
3. K.Saikumar
4. Shaik Sha Valti
5. G.Kristappa
6. S.Vazeer Basha
7. Manohar Mamase
8. S.A.Sattar

..Applicants.

Vs

1. The Union of India, rep. by its General Manager, SC Rly, Rail Nilayam, Sec'bad.
2. The Divisional Personnel Officer, SC Rly, Guntakal.
3. The Sr.Divl.Personnel Officer, SC Rly, Guntakal.
4. D.V.Subramanyam
5. D.Ramesh Rathna Paul
6. P.Baba Garu Prasad
7. Ashok Madan
8. G.Sulema Saheb

..Respondents.

Counsel for the applicants : Mr. S.Ramakrishna Rao

Counsel for the respondents : Mr.D.F.Paul, SC for Rlys.

CORAM:-

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

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

R

..2/-

D

ORDER

35

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicants and Mr.D.F.Paul, learned counsel for the respondents. The private respondents No.4, 5, 6 and 8 were served with notice. They were called absent. Notice ^{of} ~~of~~ R-7 was returned unserved.

2. There are 8 applicants in this OA. They are working as Senior Train Ticket Examiners in the scale of pay of Rs.1200-2060/- (RSRP) in Guntakal Division. Their next promotion is to the post of Head Ticket Collector/Head Train Ticket Examiners in the scale of pay of Rs.1400-2300/-. They appeared for the selection and it is stated for the respondents that they did not qualify in the written examination ~~and~~ even after giving them the seniority marks.

3. This OA is filed praying for a direction to R-2 and R-3 to get the revaluation of the answer papers of the applicants by an independent agency for ascertaining their eligibility duly declaring the action of the respondents in eliminating the names of the applicants for viva-voce as arbitrary, unwarranted and for a consequential direction to the respondents to select the applicants for the post of HTC/HTTE in the scale of Rs.1400-2300/- duly calling them for viva-voce basing on their seniority with all consequential attendant benefits.

4. An interim order was passed in this OA on 31-12-96. It was directed in the interim order that "any promotion made from amongst the applicants called for viva-voce in terms of letter No.G/P.688/II/HTC/HTTE, dated 19-9-96 (Annexure-2) is subject to the final outcome in this OA and that facts should be mentioned in the promotion orders to be issued in pursuance of the viva-voce result as above".

R

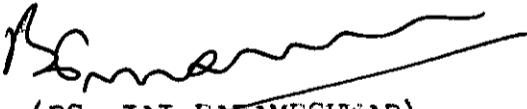
D

..2/-

-3-

5. The first contention of the applicants in this OA is that the questions asked were different from that of the questions asked in the previous examination. The objective type questions to the extent of 50% was not asked and details essay type ^{is} ~~was~~ of higher percentage. The question papers for the examination is out of syllabus deviated from the guidelines from setting question papers for written test. CA.1232/96 was filed on the file of this Bench raising the same contention and praying for the same relief as indicated in ^{this} that OA. That OA was disposed of by order dated 29-09-98. The contention raised in this OA which is same as the contention raised in CA.1232/96 which was disposed of by order dated 23-9-98.

6. As the similar OA of the same contention and prayer already been disposed of we see no reason to differ from the judgement given in OA.1232/96 disposed of on 23-9-98. For the reasons stated in the judgement in CA.1232/96 dated 23-9-98 this OA is also liable to be dismissed and accordingly it is dismissed. No costs.


(BS. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 5th January, 1998
(Dictated in the Open Court)

SPR

95/1/99
1ST AND 2ND COURT

COPY TO:-

1. NDHNJ

2. HHRP M(A)

3. HBSPP M(J)

4. D.R.(A)

5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :
VICE CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :
MEMBER (A)

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

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (B)

DATED: 5-1-99

ORDER/JUDGMENT

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

In

O.A. NO. 13/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

RECEIVED
SPECIAL COURTS

केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal
शेषण / DESPATCH

18 JAN 1999

हैदराबाद भाषणीड
HYDERABAD BENCH