

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 14/97

Date of Order : 11.9.98

BETWEEN :

- |                       |                      |
|-----------------------|----------------------|
| 1. K.Ranganna         | 11. M.Hussain        |
| 2. B.A.Ekambaram      | 12. P.A.Hassan Valli |
| 3. Syed Ismail        | 13. G.Prabhudas      |
| 4. C.Anjaneyulu       | 14. G.Jayanna        |
| 5. S.Masthan          | 15. G.Prakasham      |
| 6. S.Rajak Vali       | 16. V.Obulesu        |
| 7. P.Devadas          | 17. P.Subramanyam    |
| 8. P.Bala Narasimhulu | 18. B.Nagaraj        |
| 9. S.Sheriff          | 19. A.V.Krishna      |
| 10. P.S.Ramana        | 20. P.Abdul Gafoor   |

.. 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 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 (JUD L.)



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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 applicants.

2. There are 20 applicants in this OA. Their prayer and contentions are similar to the prayer and contentions raised by the applicants in O.A. 12/97. Hence it is not necessary to repeat the contentions and prayer in this OA as it is already been stated in O.A.12/97.

3. Reply has been filed in this OA. Para-4 of the reply is relevant in this OA. Para-4 of this reply is almost same as the para-4 of the reply given in OA.12/97 which had already been extracted in that OA. However a statement has been made in para-4 of the reply which is not finding place in the reply of the earlier OA. The statement reads as below :-

"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. Accordingly the applicants Nos.4, 8, 14, & 16 herein were also absorbed as Server".

4. The applicant, <sup>they one</sup> on the basis of the above extracted portion submits that ~~he~~ is senior to the applicants 4, 8, 14 & 16 on the basis of the number of days ~~they~~ <sup>they</sup> had put in as commission Vendors/Bearers. ~~He~~ <sup>they</sup> further adds that the department is adopting a policy of pick and choose by choosing some junior

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Candidates

~~people~~ for absorption as Servors whereas the senior applicants in the OA were not given the regular post of Servor. The respondents are silent in this connection. The learned counsel for the respondents could not say any reason for that. He only tries go round the bush without any rhyme ~~or~~ reason.

5. In view of the above, the following direction is given :-

- (a) The OA does not survive in regard to the applicants Nos 4, 8, 14 & 16 herein as they <sup>have</sup> <sup>been</sup> already absorbed as ~~Survor~~ <sup>Servor</sup>.
- (b) The respondents should immediately indicate ~~the~~ the reason for choosing the applicants 4, 8, 14 & 16 only for appointing them as ~~Survor~~ <sup>Servor</sup> and not other applicants. If the applicants 4, 8, 14 & 16 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 a direction to inform the ~~the~~ applicant, for choosing only the applicants 4, 8, 14 & 16 for absorption as ~~Survor~~ <sup>Servor</sup> and not other applicants.
- (c) The respondents should inform the applicants whether their names are in the list and if so their seniority position in that list.
- (d) If their names are not in the list then the respondents should inform stating the reasons for not including the names of the applicants, other than the applicants 4, 8, 14 and 16 in the list.

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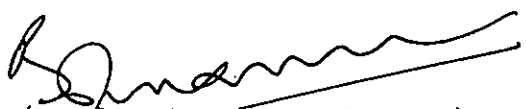
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(e) If the applicants are aggrieved by the reply to be given <sup>an/</sup>for the direction as above they are at liberty to approach this Tribunal challenging the same in accordance with the law.

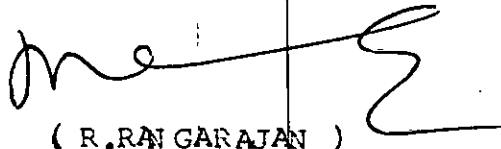
(f) Time for compliance is 2 months from the date of receipt of a copy of this order.

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

No costs,

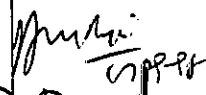
  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)

11.9.98

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 11th September, 1998

(Dictated in Open Court)

  
D R Suresh

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## Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Secunderabad.
3. The Divisional Railway Manager, (Commercial), South Central Railway, O/O D.R.Ms. Office, Guntakal.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. C.V. Malla Reddy, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

*f. one copy to Sr D.R.O. Sec Guntakal*

YLKR

9/10/98  
(8)

II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI G.S. JAI PARAMESHWAR:  
M(J)

DATED: 3

11/9/98

ORDER/JUDGMENT

M.A/R.A/C.P.NC.

in

C.A.NO. 14/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

Co. II

Check the address of the  
addressing/Respect

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal बेच / DESPATCH
24 SEP 1998
हैदराबाद ब्याचपीट HYDERABAD BENCH