

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1475 of 1997

DATE OF JUDGEMENT: 3rd AUGUST, 1999

BETWEEN:

1. V.Charley Babu,
2. C.Umamaheswara Rao,
3. D.Raghavendra Rao,
4. P.R.Elangovan,
5. D.M.Anjinaiah,
6. I.V.Gopalakrishna,
7. K.Lakshminarayana,
8. D.Sudhakar,
9. Y.Satyanarayana,
10. H.A.Rahman.

.. APPLICANTS

AND

1. Union of india rep. by General Manager,
South Central Railway,
Rail Nilayam, Secunderabad,
2. The Divisional Railway Manager,
S.C.Railway, Guntakal,
3. The Sr.Divisional Personnel Officer,
S.C.Railway,
Guntakal Divn, Guntakal.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.G.RAMACHANDRA RAO

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

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

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

JUDGEMENT

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

Heard Mr.G.Ramachandra Rao, learned counsel for
the applicants and Mr.N.R.Devaraj, learned standing counsel
for the respondents.

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2. There are 10 applicants in this OA. They are working as Deputy Station Superintendents in Guntakal Division of South Central Railway. R-3 had issued notification No.G/P.608/1/T/Vol.VII, dated 5.5.97 (Annexure-1 at page 14 to the OA) proposing to conduct selection for the post of SSS/TIs in the scale of pay of Rs.2000-3200 (RSRP) to fill up 38 vacancies in that cadre comprising of 34 OCs, 4 SCs and STs-Nil. The applicants and others numbering about 115 were alerted to be in readiness to appear for the selection. A written examination was held on 7.6.97 followed by supplementary examination on 21.7.97 and on 27.9.97. R-3 issued another notification No. Nil, dated 23.10.97 (Annexure-III at page 18 to the OA) calling employees who secured qualifying marks for viva-voce test. The applicants submit that all of them were far juniors to the applicants herein in the scale of pay of Rs.1600-2660 (RSRP). But the applicants herein who were seniors were not called for viva-voce. Hence calling their juniors for viva-voce is irregular and that they were deprived of their promotions to the higher grade.

3. This OA is filed praying to call for the proceedings NO.G/P.608/1/T/Vol.VII dated 4.7.97 (Annexure-II at page 17 to the OA) whereby the competent authority had not agreed for cancellation of the written test in connection with the selection to SSS/TIs in the scale of pay of Rs.2000-3200 and the proceedings No.G/P.608/1/T/Vol.VII dated 23.10.1997 (Annexure-III at page 18 to the OA) whereby some employees were called for viva-voce test in connection with that selection and treat those proceedings as invalid and for a consequential direction to declare the

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written examination held on 7.6.97 and 2¹7.97 and 27.9.97 for selection to the post of Station Superintendents/Traffic Inspectors in the scale of pay of Rs.2000-2300 (RSRP) is illegal and invalid.

4. A reply has been filed in this OA. A rejoinder also has been filed. An additional reply statement was also filed whereby the respondents have submitted the relevant documents pertaining to the selection to higher grades connected with this case.

5. The contentions of the applicants for the above relief are discussed seriatim:-

(i) The applicants had submitted representation to postpone the written examination for the said selection as they were of the opinion that promotion to the post of SSs/TIs in the scale of pay of Rs.2000-32000 ~~will~~^{may} be converted from selection to non-selection in the recommendations of the Vth Central Pay Commission. Hence there may not be any need to hold any written examination for promotion to that post. But that representation was disposed of by the order dated 4.8.97 (Anexure-II at page 17 to the OA) rejecting their request.

The contention of the applicants is that had the examination been postponed or cancelled, there ~~may not be~~^{would have been} any need for conducting written examination as promotion to the said cadre ~~is~~^{was} likely to be converted to non-selection from selection.

The Department cannot wait for future developments for filling up the vacancies. It has to fill up the vacancies as per ~~the~~^{the} rules in force at the time of issuing the ~~notification for filling up the vacancies~~

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notification for filling up that post. At the time when the notification calling for applications was issued, the post of SSS/TIs in the scale of pay of Rs.2000-3200 was a selection post. Hence the respondents rejected their claim. We do not see any reason to come to the conclusion that such a rejection is not in order. The authorities acted as per ^{the} rules in force and proceeded to fill up the post as selection post. Hence the above contention is not tenable.

(ii) The second contention of the applicants is that the written test conducted is invalid since the question paper does not contain 50% of the questions in objective type as prescribed in the Railway Board's letter dated 17.4.84. That letter of the Railway Board is enclosed at Annexure-I to the additional reply. It has been clearly stated in para 5.2 of the Railway Board's letter dated 17.4.84 that the objective type question should be set for about 50% of the total marks for promotion to the highest grade selection post in a category. Para 5.2 is reproduced below:-

"Wherever a written test is held for promotion to the highest grade selection post in a category, objective type of questions should be set for about 50 per cent of the total marks. the objective type question can be of the "multiple choice" or "filling in the blanks" type. However, it need not be exactly 50% and it can be a little

more or little less. (Board's letter No.E(NG) 1-83-PM1-65 (NFIR) dated 17th April 1984 - Serial Circular NO.49/84). The remaining 50% may continue to be of the narrative type. It will be the responsibility of the APO/DPO of the cadre section piloting the selection to advise the Departmental Officer about this aspect and ensure the same. When the Departmental Officer sends the question paper set by him under sealed cover to the APO/DPO, he has to certify in the covering letter that he has complied with the condition of setting Objective Type questions for about 50% of the total marks."

The vacancies to be filled in this case are in the scale of pay of Rs.2000-3200 and that post is not the highest grade selection post in the Station Masters' category. This is evident from the Annexure-II to the additional reply. As can be seen from the Annexure-II that highest grade selection post in the Station Masters' category is CTI/SS in the scale of pay of Rs.2375-3500. Hence the applicants cannot demand that the question paper for selection to the post of SMS/TIs/MI Gr.I in the scale of pay of Rs.2000-3200 should contain 50% of the objective type questions. Their contention is not borne by any rules or executive instructions of the Railway Board. Further it is stated in the additional reply that the Central Administrative Tribunal, Bangalore Bench had held that non inclusion of



objective type questions in the written examination alone cannot vitiate the written examination. But as rule itself does not stipulate the set of objective type questions for the present selection, we do not see any reason to grant the prayer of the applicants in this OA on the basis of this contention.

(iii) The next contention of the applicants is that the question paper does not contain the question on official language policy carrying 10% marks which is mandatory of Railway Board's instructions dated 25.1.96. This letter is at Annexure-VI at page 27 to the reply. A study of the instructions indicates that it is only a broad guidelines. In Para 4 of the letter it is stated that "the employees should be motivated to answer the questions relating to Official Language but there should not be any compulsion to answer such questions". This clearly goes to prove that it is only optional and it is not a rigid rule to be followed. The respondents in the additional reply submit that the syllabus circulated to all the eligible employees along with alert notice did not contain the subjects of official language policy and rules. The syllabus was circulated to all the employees concerned sufficiently in advance and none of the employees raised any objection before conducting the written examination. Having failed to object to the syllabus circulated without indicating that the written examination will contain the questions of official language and having submitted to that examination, the applicants are not permitted to raise that contention at this juncture when they did not qualify in the examination. ~~REPERE~~ The above submission of the

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respondents has to be held as a proper submission for this contention. Further, as stated earlier, it appears from the circular dated 25.1.96 that the above instructions are not rigid. Further, the official language for Station Masters can be achieved in their day today working as they keep in touch with the travelling public and non observance of that letter may not cause any serious problem to the supervisory Station Masters especially in Southern States. Hence the question paper for written examination set without official language cannot be treated as violation of the executive orders which are not statutory in nature and hence that cannot vitiate the written examination.

(iv) The next contention of the applicants is that the standards adopted for written test held on 7.6.97 and the subsequent supplementary tests held on 24.7.97 and 27.9.97 are different. Hence the whole examination is vitiated. It was further submitted by the learned counsel for the applicants that in the examination held on 7.6.97 there were essay type questions whereas in the examination held on 24.7.97 and 27.9.97 there were questions to write short notes. Thus different standards were adopted in setting the question paper. In view of the difference in setting of the question paper, the examination held later on 24.7.97 and 27.9.97 were easy to answer whereas the examination held on 7.6.97 was a tougher examination. As the applicants wrote the examination on 7.6.97, they answered tougher question papers. Hence they could not qualify whereas their juniors who wrote the easy question paper passed the examination and called for viva-voce. Thus there was discrimination between the candidates who appeared for selection on 7.6.97 and those appeared for the selection on 24.7.97 and 27.9.97. On that score the examination has to be set-aside.

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It is a fact that both the examinations on various dates were held on the basis of the prescribed syllabus and no indication is available to come to the conclusion that the questions set on 7.6.97 ~~is~~ ^{are} out of syllabus. Writing short notes on a topic cannot be construed as easy question. Number of topics to be answered under the heading "write short notes" will be more than one. Answering those questions should be treated as equivalent to answering a single essay type question. Hence this contention in our opinion is not framed on proper analysis.

(v) The last contention of the applicants is that S/Shri T.Adinarayana Reddy, G.Siva Reddy and M.C.S.Varaprasada Rao who are juniors to the applicants and according to the applicants' information they could not fair well in the written test or declared to be passed in the written test. Hence the applicants submit that the written test held on aforesaid dates was not fair and proper.


In a selection process where the applicants have to write the examination, they cannot question if juniors to them are selected on the basis of their ability to write the written test. The juniors named above ^{might} would have written better than the applicants herein. There is no material available to come to the conclusion that the juniors could not fair well in the written test. It is only a conj^euncture on the part of the applicants to strengthen their case. Such a conj^euncture cannot be

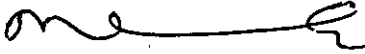
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treated as valid contention to set aside the selection proceedings. Further if the case of their juniors is to be looked into, they should be before us. They are not impleaded. Hence on that score also, this contention has to be rejected.

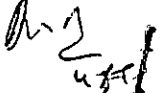
6. In view of what is stated above, we find that the OA lacks merit and hence dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

3.8.99

DATED: 3rd AUGUST, 1999



vsn

Repetitive

1st AND 11nd COURT.

COPY TO -

- 1. HOHN ✓
- 2. HHFP M(A) ✓
- 3. HBSJP M(J) ✓
- 4. D.R. (A) ✓
- 5. SPARE ✓

TYPED BY _____ CHECKED BY _____
 COMPALED BY _____ APPROVED BY _____

THE CENTRAL ADMINISTRATIVE TRIBUNAL
 HYDERABAD BENCH, HYDERABAD.

A
 27/8/99

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

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

THE HON'BLE MR. R. RANGARAJAN
 MEMBER (ADMN)

THE HON'BLE MR. D.S. JAI PARAMESHWAR
 MEMBER (JUDL)

ORDER: Date. 3-8-99

ORDER / JUDGMENT

MA/RA./CP.NO
 IN
 DA.NO. 1475/97

ADMITTED AND INTERIM DIRECTIONS
 ISSUED.

ALLOWED.

CLOSED

RECLOSED.

OCLOSED

14 copies
(Signature)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 प्रेषण / DESPATCH
 26 AUG 1999
 HYDERABAD BENCH

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HACA Bhavan, Opp:Public Garden, Hyderabad.500004.A.P.

ORIGINAL APPLICATION NO. **1475.** OF 199 **7.**

Applicant(s)

V/S

Respondent(s)

V. Charley Babu, & others.
By Advocate Shri:

The G.M., S.C.Rlys. Sec'bad. & 2' others.

(By/Central Govt.Standing Counsel)

G.Rama Chandra Rao.
To.

1. The General Manager, South Central Railway, Union of India, Railway Nilayam, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal, Ananthapur Dist.
3. The Senior Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal

This the **Fourth**, day of **November**, 199 **7.**

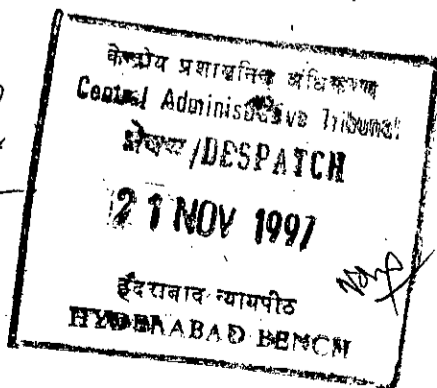
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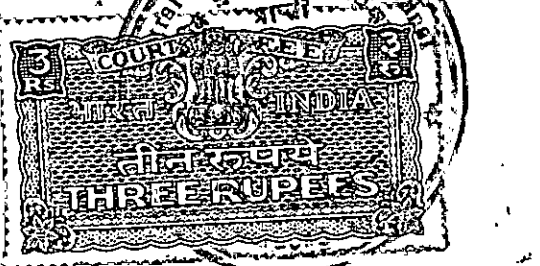
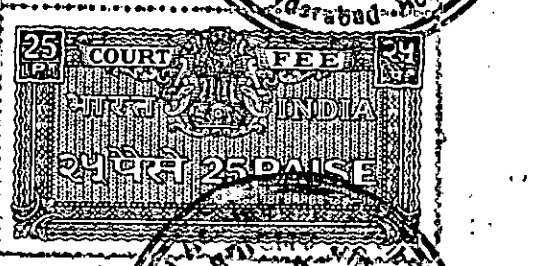
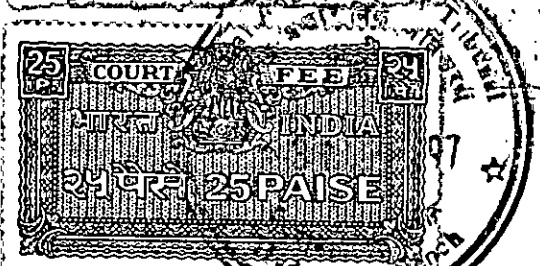
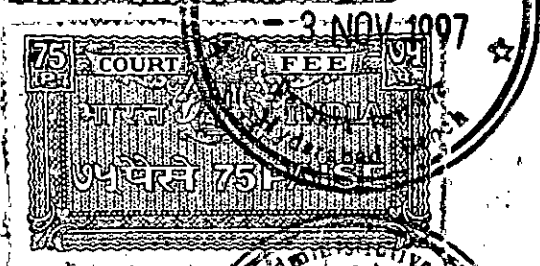
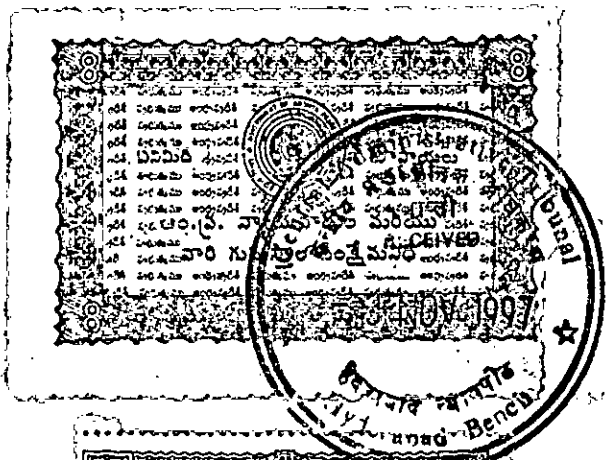
Date: **17-11-97.**

FOR REGISTRAR.

Act
18/11/97

9/11





In the Central Administrative Tribunal

HYDERABAD BENCH
ANDHRA PRADESH AT HYDERABAD.

O.A. No. 1475 of 1997

V. Charley Babu & nine others Applicant/s
Petitioner/s

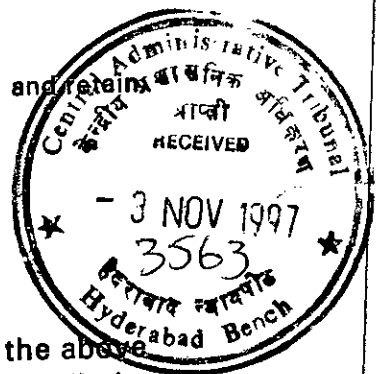
VERSUS

Respondent/s

I/We V. Charley Babu

Applicant-Petitioner/s Respondent In the above Appeal/Petition do hereby appoint and retain

G. RAMACHANDRA RAO
B.A., B.L.
ADVOCATE



Advocate/s of the High Court to appear for me/us in the above Application/Petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including applications for return of documents or the receipt of any moneys that may be payable to me/us in the said Application/Petition ~~and also to appear in all applications for review of judgement.~~

1 V. Charley Babu

2 *[Signature]*

3 *[Signature]*

4 *[Signature]*

5 *[Signature]*

6 *[Signature]*

7 *[Signature]*

8 *[Signature]*

9 *[Signature]*

10 *[Signature]*

I certify that the contents of this Vakalat were read out and explained in the Language known to the executant or executants in my presence who appeared perfectly to understand the same and made his/her/their Signatures or marks in my presence.

Executed before me this 15th day of November, 19 97

Accepted

[Signature]
3/11/97

G. RAMACHANDRA RAO,
Advocate
3-4-498, Barkatpura.
Hyderabad-500 027. (A. P.)
Phone 7565196.

[Signature]
1-11-97

ADVOCATE, HYDERABAD.

Guntakal.

✓

Central Administrative Tribunal
Hyderabad Bench, Hyderabad.

O.A/B.A No. 1475 / of 1987

MEMO OF APPEARANCE

N.R. DEVARAJ
ADVOCATE
Standing Counsel for Railways
~~Senior Standing Counsel for Central Govt.~~

Counsel for *the Respondents*

Address for Service : Phone : 7610600

Plot No. 8, Lalithanagar :
Jamal Osmanli,
Hyderabad - 500 044



Central Administrative Tribunal, Hyderabad Bench
HYDERABAD.

O.A. / ~~EA~~. No. 1475

of 1997

BETWEEN

V. Charley Babu & ors

Applicant (s)

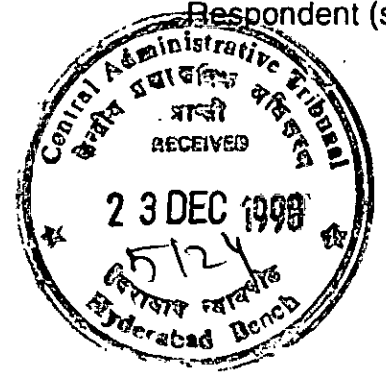
Vs.

The General Managers
S.C. Rly. Sec' Bad. and 2 ors

Respondent (s)

MEMO OF APPEARANCE

To,



I N.R. Devaraj, Advocate, having been authorised

(here furnish the particulars of authority)

by the Central/~~State~~ Government/~~Government Servant~~ authority/~~corporation~~/~~society~~ notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No. /Respondent No. and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad.

Date: 23.12.98

Signature & Designation of the
Counsel

Address of the Counsel for Service

Plot No.8, Lalithanagar
Jama Masjid
Hyderabad - 500 044.

N.R. DEVARAJ
Standing Counsel for Railways
~~Senior Standing Counsel for Central Govt.~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH BY APPLICANT

M.A. NO. 1007/97 IN O.A. NO. 1475/97

Between:

Dt. of Order: 4.11.97.

1. V. Charley Babu
2. C. Umamaheswara Rao
3. D. Raghavendra Rao
4. P. R. Elangoyan
5. D. M. Anjineiah
6. I. V. Gopala Krishna
7. K. Lakshminarayana
8. D. Sudhakar
9. Y. Satyanarayana
10. M. A. Rahman

....Applicant.

And

1. The General Manager, South Central Railway, Rail Nilaya, Secunderabad
2. Divisional Railway Manager, South Central Railway, Guntakal Division, Guntakal, Ananthapur District.
3. Senior Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal.

....Respondents.

Counsel for the Applicants : Mr. C. Ramachandra Rao

Counsel for the Respondents. : Mr.

CORAM:

THE HONBLE SRI R. S. SETHURAMAN : MEMBER (A)

THE HONBLE SRI B. T. JOY DEBANCHANDR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri C. Ramachandra Rao for the applicant. None for the respondents.

2. Though the Railway Department is submitting every now and then that they will allot to the counsel in time, no body is available today. Hence issue notice to Respondent No2. for submitting the reply in this connection early.

3. Under the circumstances referred to. M.A. is allowed as prayed for.

बनाफत प्रति
CERTIFIED TO BE TRUE COPY

sd/-x x x
DEPUTY DIRECTOR (J)

स्वाभाविक अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद शाखा
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1475/97

Between:

Dt. of Order: 4.11.97

1. V.Charley Babu
2. C. Umamaheswara Rao
3. D.Raghavendra Rao
4. P.P. Elangoyan
5. P.M. Anjineiah
6. I.V. Copala Krishna
7. K. Lakshminarayana
8. D. Sudhakar
9. Y. Satyanarayana
10. H.A. Rahman



...Applicants.

And

1. The General Manager, South Central Railway, Railnilyam, Secunderabad.
2. Divisional Railway Manager, South Central Railway, Guntakal Divn., Guntakal, Ananthapur District.
3. Senior Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal.

...Respondents.

Counsel for the Applicants : Mr.G. Ramachandra Rao
Counsel for the Respondents : Kxx

COPY:

THE HONBLE CHIEF JUSTICE : MEMBER (I)

THE HONBLE CHIEF JUSTICE PART : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

ADMIT.

The promotion to the post of station Superintendent(Sr) Traffic Inspector(TI) for which notification No.G/P.608/1/T/Vol.VII dt.5.5.97(Annexure-I to the O.A) was issued and the viva voce fixed in terms of the letter dt.23.10.97 (Annexure-III to the O.A) is subject to the outcome of this O.A. This must be included in all the promotions orders of SR/TI on the basis of the above said notification.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

P. S. R. Rao

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

S1/-x x x
DEPUTY REGISTRAR(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

C.A.No.1475/97

Date of Order: 4.11.97

Between:

1. V.Charley Babu
2. C.Umamaheswara Rao
3. D.Rathavendra Rao
4. I.P.Elangoon
5. P.K.Anjishah
6. Y.V.Gopala Krishna
7. K.Lakshminarayana
8. D.Sudhakar
9. Y. Satyanarayana
10. M.A.Rahman



...Applicants.

And

1. The General Manager, South Central Railway, Rail Station, Secunderabad
2. Divisional Railway Manager, South Central Railway, Guntakal Divn., Guntakal, Ananthapur District.
3. Senior Divisional Personnel Officer, South Central Railway, Guntakal Division, Guntakal.

...Respondents.

Counsel for the Applicants : Mr.S. Ramachandra Rao

Counsel for the Respondents : XXX

COMES:

THE HONORABLE JUSTICE J. J. ... (A)

THE HONORABLE JUSTICE J. J. ... (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

ADMIT.

The promotion to the post of station superintendent (SI) Traffic Inspector (TI) for which notification No.G/P.600/1/T/Vol.VII dt.5.5.97(Annexure-I to the O.A) was issued and the viva voce held in terms of the letter dt.23.10.97 (Annexure-III to the O.A) is subject to the outcome of this O.A. This must be included in all the promotional orders of SI/TI on the basis of the above said notification.

प्रमाणित प्रति

CERTIFIED TO BE TRUE COPY

[Signature]

न्यायालय अधिकारी
COURT OFFICER

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद न्यायपीठ

HYDERABAD BENCH

SA/-x x x
DEPUTY SECRETARY (T)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD

Miscellaneous Application No. 1007 of 1997

IN

Original Application No. 3563 of 1997

Between

1. V. Charley Babu,
s/o late Sri V. Adinarayana,
aged 47 years,
R/o H.No.870/B, Railway Qrs.,
Hanuman Nagar, Guntakal -515 801
Ananthapur District.
2. C. Umamaheswara Rao,
s/o late Sri C. Venkata Reddy,
aged 47 years,
Station Superintendent,
Nallwar Railway Station,
Guntakal Division, S.C.R.
Guntakal, ~~Andhra Pradesh Dist.~~
3. ~~Sri~~ D. Raghavendra Rao,
s/o late Sri D. Seshagiri Rao,
aged 45 years,
Station Master,
Easavi Station, Aluru Taluq,
South Central Railway,
Guntakal Division,
Guntakal.
4. P.R. Elangevan,
s/o late Sri P.V. Ranganathan,
aged 49 years,
Station Master,
Aspari Railway Station,
Aluru Taluq,
South Central Railway,
Guntakal Division, Guntakal.
5. D.M. Anjinaiah,
s/o late Sri D. Munaiah,
aged 53 years,
Dy. Station Superintendent,
Guntakal Railway Station,
South Central Railway,
Guntakal.
6. I.V. Gopalakrishna,
s/o late Sri I.V. Narayana,
aged 46 years,
Station Master,
Edduladoddi, Railway Station
Pattikonda Tq. Guntakal.

Single OA Petn

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH: AT HYDERABAD

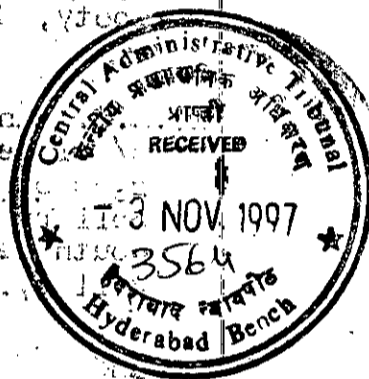
M. P. No.

of 1997

IN

O. A. No.

of 1997



XXXXXXXXXX

PETITION TO FILE A SINGLE ORIGINAL

APPLICATION

Mr. G. RAMACHANDRA RAO (344)
Advocate
COUNSEL FOR THE APPLICANTS.

Ray signed
(Signature)
3/11/97

Red
the
URM Rao
cert/SCA
3-11-97

7. K. Lakshminarayana,
s/o Sri K. Subbanna,
aged 43 years,
Dy. Station Superintendent,
Dharmavaram,-Railway Stn.
Guntakal.
8. D. Sudhakar,
s/o late Sri D. Ramaiah,
aged 43 years,
Dy. Station Superintendent,
Guntakal, S.C.R.
9. Y. Satyanarayana,
s/o Sri Y. Rangarao,
aged 49 years,
Dy. Station Superintendent,
Gooty, South Central Railway,
10. H.A. Rahman,
s/o late Sri H. Nizamuddin,
aged 50 years, Instructor,
Bellary Training School,
South Central Railway,
Bellary.

APPLICANTS
.. ~~REVISIONER~~

And

1. Union of India,
Reptd. by General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. Divisional Railway Manager,
South Central Railway,
Guntakal Division, Guntakal.
Ananthapur Dist.
3. Senior Divisional Personnel Officer,
South Central Railway,
Guntakal Division,
Guntakal.

.. RESPONDENTS

4 (5) a.

MISCELLANEOUS PETITION FILED UNDER RULE ~~6~~ (7) OF CENTRAL
ADMINISTRATIVE TRIBUNAL (PROCEDURE) RULES, 1987

For the reasons stated in the accompanying affidavit, the Applicants herein pray that this Honourable Tribunal may be pleased to permit the Applicants to join together and file a Single Original Application and pass such other orders as this Hon'ble Tribunal deems fit.

Hyderabad,

Date: 3.11.1997


COUNSEL FOR THE APPLICANTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

MISCELLANEOUS APPLICATION No. 1007 of 1997

IN

ORIGINAL APPLICATION No. 3563 of 1997

Between

V. Charley Babu and
9 others.

.. APPLICANTS

AND

1. Union of India,
Reptd. by its General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. Divisional Railway Manager,
South Central Railway,
Guntakal Division,
Guntakal, Ananthapur Dist.
3. Senior Divisional Personnel Officer,
South Central Railway,
Guntakal Division,
Guntakal, Ananthapur Dist.

.. RESPONDENTS

AFFIDAVIT FILED ON BEHALF OF APPLICANTS

I, V. Charley Babu, s/o late Sri Adinarayana, aged 47 years, residing at Timmanicherla, Guntakal, Ananthapur District ~~am~~ now temporarily come down to Hyderabad do hereby solemnly affirm and state as follows.

1. I am the Applicant (1) hereïn and also in the Original Application and I am acquainted with the facts of the case. I am authorised to file this affidavit on behalf of other Applicants also. I am now working as Deputy Station Superintendent at Timmanicharla, Guntakal. Applicants (5) (7) and (8) are ~~also~~ working as Deputy Station Superintendents at Guntakal, Dharmavaram and Guntakal Stations in

V. Charley Babu
DEPONENT

Guntakal Division respectively. Applicant No. (2) is working as Station Superintendent at Nallawaru and the Applicants (3), (4) and (6) are working as Station Masters at Esavi, Aspari, Edduladoddi Stations in Guntakal Division. Applicant No. (8) is working as Instructor, Bellary Training School in Guntakal Division. Applicants (2) (5) (9) and (10) are in the scale of pay of Rs.2000-3200 (R.S.R.P) on adhoc basis and other Applicants are in the grade of Rs.1600-2660 (R.S.R.P.)

2. I state that the 3rd respondent herein had issued a notification dated 5.5.1997 proposing to conduct a selection for the tests of Station Superintendents/Traffic Inspectors in a Scale of Rs.2000-3200. In the said notification a list of 115 candidates including the Applicants herein ~~were~~ eligible to appear for the selection is also published. The written tests ~~were~~ ^{was} scheduled to be held on 7.6.1997. Before appearing for the written tests about 70 candidates including the Applicants herein gave a representation to the respondent (2) herein to cancel the tests as the Vth Pay Commission Recommendations are about to be implemented and it ^{is} ~~was~~ not clear whether the ^{posts} ~~tests~~ carrying the scale of Rs.2000-3200 are selection ^{posts} or not. Subject to the representation, ~~of~~ the Applicants along with others had appeared for the written tests. The request made by the Applicants for cancellation of selection was not conceded and a ~~xxxxxxx~~ notification was published on 4.8.1997 by the 2nd respondent herein publishing a list of 114 candidates who had appeared for the written test. Subsequently the 2nd respondent herein had issued proceedings dated 23.10.1997 declaring the results

V. Shankar Bhat
DEPONENT

of the written test and calling upon those candidates who were qualified in the written test to appear for viva-voce test on 4.11.1997.

3. Aggrieved by the aforesaid action of the respondents the Applicants have filed the Original Application. The facts of the case at the Law bearing off the same in respect of each of the Applicants in the above Original Application are the same and this Honourable Tribunal can give relief to the Applicants in one Single Application.

4. It is therefore prayed that this Honourable Tribunal may be pleased to permit the Applicants herein to join together and file one Single Application, as otherwise the Applicants will be put to great hardship and irreparable loss.

V. Chaitanya Babu
DEPONENT

Solemnly affirmed before me
this day the 2nd November,
1997, the Deponent signed his
name at Hyderabad.

BEFORE ME

N. S. S.
ADVOCATE: :HYDERABAD.

MA 1007/97 in OASR 3563/97

4-11-97

Hearth Sri G. Ramachandra Rao, for the applicant, None for the respondents.

2. Though the Railway Department is submitting every now and then that they will allot to the counsel in time, nobody is available today. Hence issue notice to respondent No. 2 for submitting the reply in this connection early.

3. Under the circumstances referred to, MA is allowed as prayed for. Register the O.A.

Jal
HBS SP
M(3)

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HARU
M(A)

मूल/ORIGINAL

बेंच केस/BENCH CASE

रेलवे/RAILWAY

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

M.A. NO. 1007 OF 1997

IN

O.A. No. 3563 OF 1997

SINGLE O.A. PETITION

Mr. G. Rama chandra Rao
COUNSEL FOR THE APPLICANT.

AND

Mr. _____

ST. ADDE. STANDING COUNSEL
C.G. Rlys.