

Amr. 15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL-APPLICATION-NO.601-OE-1997

DATE OF ORDER: 9th May, 1997

BETWEEN:

T.CHENCHAIAH

AND

APPLICANT

1. The General Manager,  
South Central Raiway, Secunderabad,
  2. The Dy.Chief Mechanical Engineer,  
Carriage Repair Shop, Sattepally Post,  
Tirupathi.
- RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.K.SUDHAKAR REDDY

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Addl.CGSC

CORAM:

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

ORDER

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

Heard Mr.K.Sudhakar Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant is the son of a land loser for the purpose of construction of Carriage Repair Shop at Sattipalle in Tirupathi. It is stated that the land to the extent of 6.32 acres in Survey Nos.870-B/1A and 871-2 belonging to his father, was acquired for the purpose of construction of the said Carriage Repair Shop. The certificate issued by the RDO, Tirupathi in regard to

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
HYDERABAD

P.A. No. 1490/97

OF

DATE OF DECISION: 12-3-1998

T. Chenchaiah

PETITIONER(S)

Mr. K. Sudhakar Reddy

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS  
GM SC Railway, Secunderabad.

RESPONDENT(S)

Mr. Siva Reddy

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE Shri H. Rajendra Prasad, Member(A)

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches

JUDGEMENT DELIVERED BY HON'BLE Shri H. Rajendra Prasad, M(A)

17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiah

..Applicant

A N D

1. General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.

2. Dy. Chief Mechanical Engineer,  
Carriage Repair Shop,  
South Central Railway,  
Settipalli(Post),  
Chittoor(Dist).

.. Respondents

Counsel for the applicant : Mr. K. Sudhakar Reddy

Counsel for the respondents:Mr. Siva Reddy

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

(Per Hon'ble Shri H. Rajendra Prasad, Member(A)

A land measuring 6.32 acres situated in Survey Nos.870-B/1A and 871-2 belonging to the applicant's father was acquired in connection with the setting up of Carriage Repair Shop in Settipalle village. The grievance of the applicant is that even after so many years no job has been offered to any eligible member of the land-losing household. He is a candidate for such a post. The applicant had earlier filed an O.A (601/97) which was disposed of by this Tribunal on 9-5-1997 asking the applicant to submit a representation, if so advised, to the concerned authorities and the latter were directed to decide the issue expeditiously in accordance with law whenever such representation was received. Pursuant to this the case was further examined by the respondents who have conveyed to the applicant that he is overaged and therefore ineligible for appointment even under the relaxation available to persons of OBC community.

2. The applicant challenges the above decision on the ground that, firstly, he was not responsible for the inordinate delay that had occurred in processing the case and offering him a suitable appointment, a delay which led to his becoming overaged for any job, and secondly, in similar circumstances, one Mogilappa, (who also belonged to OBC and whose date of birth was 4-8-1953) was appointed as temporary Khalasi in Mechanical department of the repair shop without any objection raised about his age.

3. The respondents have not preferred to file any counter affidavit although a notice was duly issued to them in November,1997.

4. It is seen that the applicant has been a candidate for appointment under the land-losers quota for a considerably long time now . The delay in taking the final decision, whatever the reason, cannot operate adversely to his legitimate claim, if he is otherwise eligible, for a job. Furthermore, my attention has been drawn to an order passed on 27-1-1998 in OA 1499/97 (Mekala Chinna Chengaiah vs. GM SC Railway). The OA was disposed of by an observation that the impugned

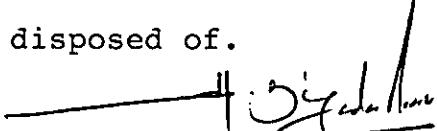
Q. 61  
M/3

...3/-

rejection order in the case of the applicant in the said OA (Mekala Chinna Chengaiah) had been passed by the Deputy Chief Mechanical Engineer, Carriage Repair Shop, who may not have been competent to relax the age restrictions. It was directed that the case of that applicant should be put up to an authority who was competent and empowered to grant the relaxation, if permissible, and that a final decision thereafter was asked to be conveyed to the applicant therein. It was also directed that, while considering the case of the applicant in the OA; i.e., Mekala Chinna Chengaiah, the age relaxation granted to Mogilappa (who incidentally was a party in OA 864/95) might also be taken note of before a final decision was taken.

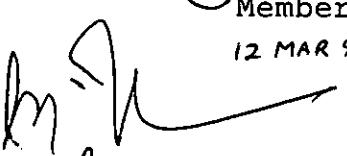
5. The facts of the present case are similar to the said OA 1499/97. The age relaxation which may have been given to Mogilappa. (whose date of birth is 4-8-1953) would also have to be made available to the present applicant who was born nearly six years later than the said Mogilappa and his case will have to be considered for a suitable job under the relevant scheme, provided the applicant does not have any other disability. A final decision in this regard shall be taken and conveyed to the present applicant within three months from the date of receipt of a copy of this order.

6. Thus the OA is disposed of.

  
(H. RAJENDRA PRASAD)  
Member(A)

12 MAR 98

DSW/MD

  
Deputy Registrar

-4-

O.A. 1490/97.

To

1. The General Manager, SC Rly  
Railnilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer,  
Carriage Repair Shop, SC Rly,  
Settipalli Post, Chittoor Dist.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.K.Siva Reddy, ~~Adv~~ SC for Rlys, CAT.Hyd.
5. One copy to HHRP.M.(A) CAT.Hyd.
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

pvm.

13/4/98

I Court

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE

VICE-CHAIRMAN

AND

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

DATED: 12-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in:

O.A.No. 1490/97

T.A.No. (W.R)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

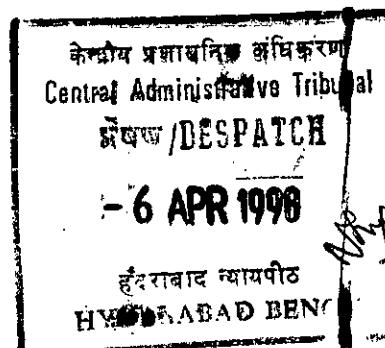
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

p.v.m.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

MA 241/2000 in OA 1490/1997

DATE OF ORDER : 12.6.2000

Between :-

T.Chenchaiah

...Applicant

And

1. Shri N.C.Sinha,  
General Manager, SC Rlys,  
Rail Nilayam, Sec'bad.
2. Shri  
Dy.Chief Mechanical Engineer,  
Carriage Repair Shop,  
SC Rlys, Tirupathi.

...Respondents

— — —  
Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri K.Siva Reddy, SC for Rlys

CORAM:

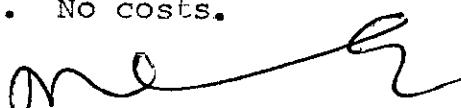
THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

(order per Hon'ble Shri R.Rangarajan, Member (A) ).

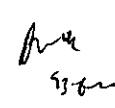
— — —  
Heard Sri K.Sudhakar Reddy, learned counsel for the applicant  
and Sri K.Siva Reddy, learned standing counsel for the Respondents.

2. This MA is filed praying for implementing the order passed  
in OA 1490/97. The applicant should be informed of the implementa-  
tion of the judgement within a period of one week from today. MA  
disposed of. No costs.

  
(R.RANGARAJAN)  
Member (A)

  
(D.H.NASIR)  
Vice-Chairman

Dated: 12th June, 2000.  
Dictated in Open Court.

av1/ 

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1<sup>ST</sup> AND 2<sup>ND</sup> COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

COPY TO:

1. HON. MR. JUSTICE D.H. NASIR
2. HON. MR. R. RANGARAJAN  
MEMBER (ADMIN.)
3. HON. MR. B.S. JAI PARAMESHWAR  
MEMBER (JUD.)
4. D.R. (ADMIN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

DATE REC'D. 12/6/2000

MA/FILE NO. 241/2000  
IN  
CA. NO. 1490/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

MA DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
ప్రశాసన / DESPATCH

19 JUN 2000

హైదరాబాదు న్యాయాఖాట  
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :HYDERABAD.

MA.855/2001  
in  
OA.1490/97

Between:

Dated:26.2.2002

T.Chenchaiah

.. Applicant

And

1. The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.

2. The Dy.Chief Mechanical Engineer,  
CRS, SC Railway, Settipalli (Post),  
Chittoor (Dist.)

.. Respondents

Counsel for the Applicant

: Mr.K.Sudhakar Reddy

Counsel for the Respondents

: Mr.N.R.Devaraj, SC Rlys

CORAM:

THE HON'BLE MR.M.V.NATARAJAN : MEMBER (ADMN.)

\* \* \*

THE TRIBUNAL MADE THE FOLLOWING ORDER:

This MA is filed seeking implementation of the order passed by this Tribunal in OA 1490/97 on 12.3.98. It is seen that in MA.241/2000 on 12.6.00 the Respondents had been directed to inform the applicant Sri P.Chenchaiah regarding implementation of the judgement within a period of one week from then.

Learned counsel for the applicant submits that neither the judgement has been implemented nor the applicant has been informed as per the directions contained in the order dated 12.6.2000.

The present implementation petition (MA.855/01) has been filed on 3.11.01 and since then it is getting adjourned at the request of counsel for the Respondents.

In the circumstances, MA 855/01 allowed.

As the counsel for the Respondent is not present, list the on 5.3.2002.

(P.SASI KUMAR)  
DY.REGISTRAR (ADMN.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

COPY TO:

1ST AND II COURT

1. HVC  
2. HMVN : MEMBER (ADMIN.)  
3. HNSKA : MEMBER (ADMIN.) THE HON'BLE MR. JUSTICE NEELEM  
64/201/2002/EEODY : V.C.  
4. HBR : MEMBER (JUD.L.) THE HON'BLE MR. B.V. NATARAJAN  
MEMBER (ROMN.)  
5. D.R. (ROMN.) THE HON'BLE MR. S.K. ARRAJAL  
MEMBER (ROMN.)  
6. SHARI  
7. ADVOCATE  
8. STANDING COUNSEL MA/R/RA/EP. NO. 55501  
9. REPORTERS  
10. ALL BENCHES IN  
CA. NO. 1490/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

NOT ALLOWED

C.R. CLOSED

DISPOSED OF

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISPOSED AS WITHDRAWN

DISCARDED/REJECTED

DISPOSED/DISMISSED/WITH COSTS

DISPOSED OF AT THE ADMISSION STAGE

REJECTED

NO ORDER AS TO COSTS

Records/Jud./Notice/Posting

D R A F T

This MA is filed seeking implementation of the order passed by this Tribunal in OA 1490/97 on 12.3.98. It is seen that in MA 241/2000 on 12.6.00 the Respondents had been directed to inform the applicant Sri P.Chanchaiah regarding implementation of the judgement within a period of one week from then.

2. Learned counsel for the applicant submits that neither the judgement has been implemented nor the applicant has been informed as per the directions contained in the order dt.12.6.2000.

3. The present implementation petition (MA 855/01) has been filed on 3.11.01 and since then it is getting adjourned at the request of counsel for the Respondents.

4. In the circumstances, MA 855/01 allowed.

5. As the counsel for the Respondents is not present, list this case on S-3-8/19.

4  
(HMVN)

M(A)

avl.

(Per Hon'ble Shri H. Rajendra Prasad, Member(A)

A land measuring 6.32 acres situated in Survey Nos.870-B/1A and 871-2 belonging to the applicant's father was acquired in connection with the setting up of Carriage Repair Shop in Settipalle village. The grievance of the applicant is that even after so many years no job has been offered to any eligible member of the land-losing household. He is a candidate for such a post. The applicant had earlier filed an O.A (601/97) which was disposed of by this Tribunal on 9-5-1997 asking the applicant to submit a representation, if so advised, to the concerned authorities and the latter were directed to decide the issue expeditiously in accordance with law whenever such representation was received. Pursuant to this the case was further examined by the respondents who have conveyed to the applicant that he is overaged and therefore ineligible for appointment even under the relaxation available to persons of OBC community.

2. The applicant challenges the above decision on the ground that, firstly, he was not responsible for the inordinate delay that had occurred in processing the case and offering him a suitable appointment, a delay which led to his becoming overaged for any job, and secondly, in similar circumstances, one Mogilappa, (who also belonged to OBC and whose date of birth was 4-8-1953) was appointed as temporary Khalasi in Mechanical department of the repair shop without any objection raised about his age.

3. The respondents have not preferred to file any counter affidavit although a notice was duly issued to them in November,1997.

4. It is seen that the applicant has been a candidate for appointment under the land-losers quota for a considerably long time now . The delay in taking the final decision, whatever the reason, cannot operate adversely to his legitimate claim, if he is otherwise eligible, for a job. Furthermore, my attention has been drawn to an order passed on 27-1-1998 in OA 1499/97 (Mekala Chinna Chengaiah vs. GM SC Railway).. The OA was disposed of by an observation that the impugned

*Q. M*

...3/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiah

..Applicant

A N D



1. General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.

2. Dy. Chief Mechanical Engineer,  
Carriage Repair Shop,  
South Central Railway,  
Settipalli(Post),  
Chittoor(Dist).

.. Respondents

Counsel for the applicant : Mr. K. Sudhakar Reddy

Counsel for the respondents: Mr. Siva Reddy

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

rejection order in the case of the applicant in the said OA (Mekala Chinna Chennaiah) had been passed by the Deputy Chief Mechanical Engineer, Carriage Repair Shop, who may not have been competent to relax the age restrictions. It was directed that the case of that applicant should be put up to an authority who was competent and empowered to grant the relaxation, if permissible, and that a final decision thereafter was asked to be conveyed to the applicant therein. It was also directed that, while considering the case of the applicant in the OA, i.e., Mekala Chinna Chennaiah, the age relaxation granted to Mogilappa (who incidentally was a party in OA 864/95) might also be taken note of before a final decision was taken.

5. The facts of the present case are similar to the said OA 1499/97. The age relaxation which has been given to Mogilappa (whose date of birth is 4-8-1953) would also have to be made available to the present applicant who was born nearly six years later than the said Mogilappa and his case will have to be considered for a suitable job under the relevant scheme, provided the applicant does not have any other disability. A final decision in this regard shall be taken and conveyed to the present applicant within three months from the date of receipt of a copy of this order.

6. Thus the OA is disposed of.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

  
न्यायालय अधिकारी/दूष्प रजिस्ट्रार (न्यायिक)  
Court Officer/Dy. Registrar  
केंद्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
हैदराबाद न्यायपाठी  
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

MA 241/2000 in OA 1490/1997

DATE OF ORDER : 12.6.2000

Between :-

T.Chenchaiah

...Applicant

And

1. Shri N.C.Sinha,  
General Manager, SC Rlys,  
Rail Nilayam, Sec'bad.

2. Shri  
Dy.Chief Mechanical Engineer,  
Carriage Repair Shop,  
SC Rlys, Tirupathi.

...Respondents

-- -- --

Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri K.Siva Reddy, SC for Rlys

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Sri K.Siva Reddy, learned standing counsel for the Respondents.

2. This MA is filed praying for implementing the order passed in OA 1490/97. The applicant should be informed of the implementation of the judgement within a period of one week from today. MA disposed of. No costs.

**CERTIFIED TRUE COPY**

मामूल MA 241/2000-  
CASE NO. 21 08.1490/97  
दिन 12.6.2000  
DATE 12.6.2000  
ट्रिब्यूनल  
COPY DELIVERED ON 16.6.2000

  
D. Reddy  
Court Officer

: PAGE NO. 6 :

24

FORM III (SEE RULE 8(3))

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

M. A. NO: 858 OF 2001  
IN

O. A. No. 1490 OF 1997

BETWEEN:

T. Chenchaiah, S/o. Bodaiah alias Munnaiah,  
Age: years, Settipalli Post,  
Erramareddy Palayam Village,  
Tirupati-517 506.

.. APPLICANT

A N D

1. The General Manager,  
SC Railway, Rail Nilayam, Secunderabad.
2. The Dy. Chief Mechanical Engineer,  
CRS, SC Railway, Settipalli (Post),  
Chittoor (Dist.).

.. RESPONDENTS

MISCELLANEOUS APPLICATION FILED UNDER RULE 8(3) OF C.A.T.  
(PROC.) RULES, 1987

For the reasons stated in the accompanying affidavit,  
it is respectfully prayed that the Hon'ble Tribunal may be  
pleased to direct the respondents to implement the orders of this  
Hon'ble Tribunal dated 12.3.1998 in OA/1490/97, in the interest  
of justice, and be pleased to pass such other and further order  
or orders as the Hon'ble Tribunal may deem fit and proper in the  
circumstances of the case.

Hyderabad.  
Dt. 3.11.2001

COUNSEL FOR THE APPLICANT

FORM III (SEE RULE 8(3))  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

M.A. NO: 815 OF 2001  
IN  
O.A. No. 1490 OF 2001

BETWEEN:

T. Chenchaiah .. APPLICANT  
A N D  
The General Manager, SC Railway, .. RESPONDENTS  
Sec'bad and another.

A F F I D A V I T

I, T. Chenchaiah, S/o. Bodaiah alias Munnaiah,  
Settipalli Post, Erramareddy Palayam Village, Tirupati-517 506,  
do hereby solemnly and sincerely affirm and state on oath as  
follows:

1. That I am the deponent herein and therefore well acquainted with the facts of the case.
2. It is submitted that the applicant herein is one of the family members whose lands were acquired by the railways for establishment of Carriage Repair Shop at Tirupati. Railway Authorities offered job for each family of the land losers. Applicant being one of the family members of the land losers, applied for the Group-D post, but the respondent authorities did not take any action for appointing the applicant. Thereafter the applicant herein filed OA No.1490/97 and this Hon'ble Tribunal disposed of the OA No.1490/1997 on 12-3-1998 as follows:-

"5. The facts of the present case are similar to the said OA 1499/97. The age relaxation which has been given to Mogilappa (whose date of birth is 4-8-1953) would also have to be made available to the present applicant who was born nearly six years later than the said Mogilappa and his case will have to be considered

for a suitable job under the relevant scheme, provided  
:PAGE NO. 8 :

the applicant does not have any other disability. A final decision in this regard shall be taken and conveyed to the present applicant within three months from the date of receipt of a copy of this order."

3. it is further submitted even though this Hon'ble Tribunal disposed off the above OA long back but the respondent authorities did not issue any appointment order to the applicant herein till today. Applicant herein approached the respondent authorities several times and requested orally to provide him job on par with other land losers but the railway authorities did not issue appointment orders to the applicant. Applicant herein and his family members are suffering having lost the land to the railway authorities. If the railay authorizes offer job to the applicant, applicant herein will be in a position to look after his family members. Applicant herein suffering financially for not having any other lively-hood except the cultivable land which was handed over to the railways.

It is, therefore, it is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the respondents to implement the orders of this Hon'ble Tribunal dated 12.3.1998 in OA/1490/97, in the interest of justice, and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Sworn and signed on this  
3rd day of November, 2001  
at Hyderabad.

D E P O N E N T

BEFORE ME

ADVOCATE.

(Per Hon'ble Shri H. Rajendra Prasad, Member(A)

A land measuring 6.32 acres situated in Survey Nos.870-B/1A and 871-2 belonging to the applicant's father was acquired in connection with the setting up of Carriage Repair Shop in Settipalle village. The grievance of the applicant is that even after so many years no job has been offered to any eligible member of the land-losing household. He is a candidate for such a post. The applicant had earlier filed an O.A (601/97) which was disposed of by this Tribunal on 9-5-1997 asking the applicant to submit a representation, if so advised, to the concerned authorities and the latter were directed to decide the issue expeditiously in accordance with law whenever such representation was received. Pursuant to this the case was further examined by the respondents who have conveyed to the applicant that he is overaged and therefore ineligible for appointment even under the relaxation available to persons of OBC community.

2. The applicant challenges the above decision on the ground that, firstly, he was not responsible for the inordinate delay that had occurred in processing the case and offering him a suitable appointment, a delay which led to his becoming overaged for any job, and secondly, in similar circumstances, one Mogilappa, (who also belonged to OBC and whose date of birth was 4-8-1953) was appointed as temporary Khalasi in Mechanical department of the repair shop without any objection raised about his age.

3. The respondents have not preferred to file any counter affidavit although a notice was duly issued to them in November, 1997.

4. It is seen that the applicant has been a candidate for appointment under the land-losers quota for a considerably long time now. The delay in taking the final decision, whatever the reason, cannot operate adversely to his legitimate claim, if he is otherwise eligible, for a job. Furthermore, my attention has been drawn to an order passed on 27-1-1998 in OA 1499/97 (Mekala Chinna Chengaiah vs. GM SC Railway). The OA was disposed of by an observation that the impugned

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M1

...3/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiah

..Applicant

A N D

1. General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.

2. Dy. Chief Mechanical Engineer,  
Carriage Repair Shop,  
South Central Railway,  
Settipalli(Post),  
Chittoor(Dist).

.. Respondents

Counsel for the applicant : Mr. K. Sudhakar Reddy

Counsel for the respondents:Mr. Siva Reddy

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

rejection order in the case of the applicant in the said OA (Mekala Chinna Chengaiah) had been passed by the Deputy Chief Mechanical Engineer, Carriage Repair Shop, who may not have been competent to relax the age restrictions. It was directed that the case of that applicant should be put up to an authority who was competent and empowered to grant the relaxation, if permissible, and that a final decision thereafter was asked to be conveyed to the applicant therein. It was also directed that, while considering the case of the applicant in the OA, i.e., Mekala Chinna Chengaiah, the age relaxation granted to Mogilappa (who incidentally was a party in OA 864/95) might also be taken note of before a final decision was taken.

5. The facts of the present case are similar to the said OA 1499/97. The age relaxation which has been given to Mogilappa (whose date of birth is 4-8-1953) would also have to be made available to the present applicant who was born nearly six years later than the said Mogilappa and his case will have to be considered for a suitable job under the relevant scheme, provided the applicant does not have any other disability. A final decision in this regard shall be taken and conveyed to the present applicant within three months from the date of receipt of a copy of this order.

6. Thus the OA is disposed of.

प्राप्ति प्राप्ति  
CERTIFIED TO BE TRUE COPY

अधिकारी/न्यू रजिस्ट्रार (न्यू रजिस्ट्रार)  
Court Officer/Dy. Registrar  
केंद्रीय प्राप्ति प्राप्ति न्यू रजिस्ट्रार  
Central Administ ative Tribunal  
हैदराबाद न्यू रजिस्ट्रार  
HYDERABAD BENCH

to implement the orders  
of the Tribunal.

TRIBUNAL: HYDERABAD BENCH:  
AT: HYDERABAD.

M.A. NO. OF 2001

IN  
O.A. NO: 1490 OF 2001

997

BETWEEN:

T. Chenchaiah .. APPLICANT

A N D

The GM, SCR, Secybad and another

.. RESPONDENTS

Implementation

PETITION:



Received 6/11/2001  
Dr. N. R. DUVVUDI

PETITION FILED UNDER RULE 2(8)  
OF CAT (PROC.) RULES, 1987.

FILED FOR: APPLICANT

FILED ON: 3.11.2001

FILED BY:

K. SUDHAKAR REDDY,  
ADVOCATE, HABSIGUDA,  
HYDERABAD.

COUNSEL FOR THE A

May be filed

Handwritten signature

26.2.02

This MA is filed seeking implementation of the order passed by this Tribunal in OA 1490/97 on 12.3.98. It is seen that in MA 241/2000 on 12.6.00 the Respondents had been directed to inform the applicant Sri P.Chanchaiah regarding implementation of the judgement within a period of one week from then.

2. Learned counsel for the applicant submits that neither the judgement has been implemented nor the applicant has been informed as per the directions contained in the order dt.12.6.2000.

3. The present implementation petition (MA 855/01) has been filed on 3.11.01 and, since then it is getting adjourned at the request of counsel for the Respondents.

4. In the circumstances, MA 855/01 allowed.

5. As the counsel for the Respondent is not present, list the case on 5.3.02.

8  
(HMVN)  
M(A)

avl.

5.3.02  
on request call on 19.3.02.

HMVN HNSR.J  
M(A) NC

19/3/02  
Post on 26/3/02

HGS  
HMV

HMVN  
M(A)

M.A. 855/2001

3/12/2001

एकल सदस्य केस  
SINGLE MEMBER CASE

बैच केस/BENCH CASE

प्राप्त/ORIGINAL  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH : AT HYDERABAD.

HHRP

M.A. NO. 855 OF 2001/2002.

IN

OA. NO. 1490 OF 2001/2002.

1997

counsel for the respondent  
Seems to come to get instructions  
from his client. call  
on 21/12/2001.

Y  
HMVN  
M(A)

Y  
HNSP-T  
VC

21/12/01  
On request of Respondents  
Counsel. Call on 7/1/02.

Y  
HMVN  
M(A)  
HNSP-T  
VC

7/1/02  
No representation for the  
applicant. Call on 6/2/02.

Y  
HNSP-T  
VC

Implementation of the bill

MR. K. Sudhakar Rao

COUNSEL FOR THE APPLICANT

AND

MR. N-R. Devaraj

STANDING COUNSEL

ADDL. Standing Counsel for Central  
Government.

Senior Standing Counsel for Central  
Government.

Standing Counsel for Railways.

Call on 26/2/02.

Y  
HMVN  
M(A)

Post on 17/4/02.

Op. HBR  
M(S)  
by  
HMVN  
M(A)  
31.5.02

Op. H. S 55/01  
in  
OFA 1490/97

No representation. Letter  
14.6.02.

Op. HBR  
M(S)  
by  
HMVN  
M(A)  
21/6/02

Registry is directed to -  
incorporate the name of  
Mr. N. R. Devnay deleting the  
name of Mr. BN. Sharma, for  
the respondent. Post on

28/6/02  
Op. HBR  
M(S)  
by  
HMVN  
M(A)

28.6.02

Registry need not list  
this mt before us as it has  
already been allowed.

Op. HBR  
M(S)  
by  
HMVN  
M(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH :: AT HYDERABAD

MA NO. 241 OF 2000

IN

OA NO. 1490 OF 1997

BETWEEN:

T.Chenchaiah,  
S/o Bodaiah,  
aged about 37 years,  
R/o Settipalli,  
Tirupathi,  
Chittoor District.

...APPLICANT (S)

A N D

1. Shri N.C.Sinha,  
General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
2. Shri —  
Deputy Chief Mechanical Engineer,  
Carriage Repair Shop,  
South Central Railway,  
Tirupathi. ....RESPONDENT (S)

MISCELLANEOUS APPLICATION FILED UNDER  
RULE 8 (3) OF A.T.PROC.RULES

For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Tribunal may be pleased to direct the respondent authorities herein to implement the judgment of this Hon'ble Tribunal in OA 1490/97 dated 12.3.98 forthwith and be pleased to pass such other and further order or orders as may be deemed fit and proper in the circumstances of the case.

Hyderabad

Dated: 9.2.2K

COUNSEL FOR APPLICANT (S)

Tribunal seeking a direction to the respondent authorities to consider my case for appointment as Group-D under the Land Displaced Persons quota and this Hon'ble Tribunal disposed of the above OA with a direction to the respondent authorities to consider my case against Group-D post but thereafter the respondent authorities rejected my claim on the ground that I was overaged. Then I filed the present OA No.1490/97 and challenged the impugned action of the respondent authorities. This Hon'ble Tribunal was pleased to dispose of the above OA on 12.3.98 as follows:

"The facts of the present case are similar to the said OA 1499/97. The age relaxation which has been given to Mogilappa (whose date of birth is 4.8.53) would also have to be made available to the present applicant who was born nearly six years later than the said Mogippa and his case will have to be considered for a suitable job under the relevant scheme, provided the applicant does not have any other disability. A final decision in this regard shall be taken and conveyed to the present applicant within three months from the date of receipt of a copy of this order."

103

3. It is further submitted that after disposal of the above OA, the applicant herein approached the respondent authorities by submitting representation to consider him for appointment as early as possible. But the respondent authorities did not take any action till today. They are maintaining silence over the matter without any proper reasons whatsoever.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to direct the respondent authorities herein to implement the judgment of this Hon'ble Tribunal in OA 1490/97 dated 12.3.98 forthwith and be pleased to pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

Sworn and signed on this the 09th day of February, 2000  
at Hyderabad.

*T. W. W. S.*

Deponent



Before Me/Advocate/Hyderabad

(Per Hon'ble Shri H. Rajendra Prasad, Member(A)

A land measuring 6.32 acres situated in Survey Nos. 870-B/1A and 871-2 belonging to the applicant's father was acquired in connection with the setting up of Carriage Repair Shop in Settipalle village. The grievance of the applicant is that even after so many years no job has been offered to any eligible member of the land-losing household. He is a candidate for such a post. The applicant had earlier filed an O.A (601/97) which was disposed of by this Tribunal on 9-5-1997 asking the applicant to submit a representation, if so advised, to the concerned authorities and the latter were directed to decide the issue expeditiously in accordance with law whenever such representation was received. Pursuant to this the case was further examined by the respondents who have conveyed to the applicant that he is overaged and therefore ineligible for appointment even under the relaxation available to persons of OBC community.

2. The applicant challenges the above decision on the ground that, firstly, he was not responsible for the inordinate delay that had occurred in processing the case and offering him a suitable appointment, a delay which led to his becoming overaged for any job, and secondly, in similar circumstances, one Mogilappa, (who also belonged to OBC and whose date of birth was 4-8-1953) was appointed as temporary Khalasi in Mechanical department of the repair shop without any objection raised about his age.

3. The respondents have not preferred to file any counter affidavit although a notice was duly issued to them in November, 1997.

4. It is seen that the applicant has been a candidate for appointment under the land-losers quota for a considerably long time now. The delay in taking the final decision, whatever the reason, cannot operate adversely to his legitimate claim, if he is otherwise eligible, for a job. Furthermore, my attention has been drawn to an order passed on 27-1-1998 in OA 1499/97 (Mekala Chinna Chengaiah vs. GM SC Railway). The OA was disposed of by an observation that the impugned

6/1  
m1

...3/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiah

..Applicant

A N D

1. General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.

2. Dy. Chief Mechanical Engineer,  
Carriage Repair Shop,  
South Central Railway,  
Settipalli(Post),  
Chittoor(Dist).

.. Respondents

Counsel for the applicant : Mr. K. Sudhakar Reddy

Counsel for the respondents:Mr. Siva Reddy

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

rejection order in the case of the applicant in the said OA (Mekala Chinna Chengaiah) had been passed by the Deputy Chief Mechanical Engineer, Carriage Repair Shop, who may not have been competent to relax the age restrictions. It was directed that the case of that applicant should be put up to an authority who was competent and empowered to grant the relaxation, if permissible, and that a final decision thereafter was asked to be conveyed to the applicant therein. It was also directed that, while considering the case of the applicant in the OA, i.e., Mekala Chinna Chengaiah, the age relaxation granted to Mogilappa (who incidentally was a party in OA 864/95) might also be taken note of before a final decision was taken.

5. The facts of the present case are similar to the said OA 1499/97. The age relaxation which has been given to Mogilappa (whose date of birth is 4-8-1953) would also have to be made available to the present applicant who was born nearly six years later than the said Mogilappa and his case will have to be considered for a suitable job under the relevant scheme, provided the applicant does not have any other disability. A final decision in this regard shall be taken and conveyed to the present applicant within three months from the date of receipt of a copy of this order.

6. Thus the OA is disposed of.

प्राप्तिक्रम प्रति  
CERTIFIED TO BE TRUE COPY

मेकाला अमिकारी/द्यू प्रेसिस्ट्रार (न्यायिक)  
Court Officer/Dy. Registrar  
केंद्रीय प्राप्तिक्रम अदायक  
Central Administrative Tribunal  
हैदराबाद बैठक  
HYDERABAD BENCH

Alleviation  
Acceleration map file  
made !

83  
1/3

For dep

1608 615

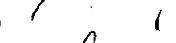
Reg 1- Directive politics

BEFORE THE CENTRAL  
ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

MA NO. 0F 2000

11

BA NO. 1490 OF 1997

John Singh  




**DIRECTION PETITION**

✓  
End on 23/2/2011  
~~January~~

MR . K . SUDHAKAR REDDY

ADVOCATE

COUNSEL FOR APPLICANT (S)

~~May we recall  
S  
SPB~~

men (adult)  
♂  
(101)

MA 26/2K in of 1490/97

16.3.2000

Heard Sri K. S. R. Anjaneya  
for the applicant. None  
for the respondents.

2. Notice. Lolitha

10-4-2K.

✓  
HBS SP  
M(T)

HRN  
M(H)

Notice to DA  
104/00

✓  
20/3/00

Issues  
30/3/2000

10.4.2000

Lolitha 6.6.2000.

✓  
HBS SP  
M(T)

HRN  
M(H)

✓  
6/6/2000  
Litha on 12/6/2000.

✓  
HRN  
M(T)

HOHNS  
VC

✓  
12.6.2000

MA Disposed of order on  
separate sheet. No costs.

✓  
HRN  
M(H)

HOHNS  
VC

CC today

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

M.A. No.

241

of 2000

O.A. No.

1490

of 1997

Direction petition

Mr. K. Endukarao  
COUNSEL FOR THE APPLICANTS

AND

Mr. K. Siva Rao

Standing Counsel  
Addl Standing Counsel for Gen.  
Govt.,

Sr. STANDING COUNSEL FOR Cen.  
Govt.,  
S.C. for RLNS.

# Form No.8

(See Rule 29)

BY R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

Ist Floor, HACA Bhavan, Opp: Public Garden, Hyderabad-500 004. A.P.

ORIGINAL APPLICATION NO.

1490.

OF 199 7

Applicant (s) **T.Chenchaiah.**

V/S,

Respondent (s)

**The G.M., S.C.Rlys, Sec'ded.&another.**

Represented by

Advocate Shri: **K.Sudhakar Reddy.**

Represented by

Advocate Shri: **K.Siva Reddy.**  
SC for Rlys.

To

1. The General Manager, South Central Railway, ~~XXXXXXXXXXXX~~  
Rail Nilayam, Secunderabad.
2. The Dy.Chief Mechanical Engineer, Carriage Repair Shop,  
South Central Railway ~~XXXX~~ Settipally, (Post) Chittoor. Dist.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunals Act, 1985, as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show cause why the application should not be admitted.

Notice is hereby given to you to appear in this Bench of the Tribunal in person or through a Legal Practitioner Presenting Officer in this matter at 10-30 A.M. of the .....**Twenty Third**, ..... day of .....**December**, ..... 1997, to show cause, why the application should not be admitted. If you fail to appear, the application will be heard and decided in your absence.

Given under my hand and the seal of this Tribunal, this the .....**Seventeenth**, ..... day of .....**November**, ..... 1997.

// BY ORDER OF THE TRIBUNAL //

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

DESPATCH

26 NOV 1997

हैदराबाद विधायकीय  
HYDERABAD BENCH



Date :

FOR REGISTRAR.

High Court of Andhra Pradesh  
at Hyderabad

APPELLATE SIDE

DISTRICT

V A K A L A T

IN

OA. No.

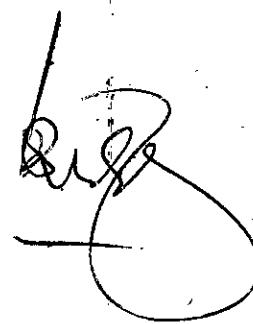
of 199

AGAINST

No.

of 199

ACCEPTED



APPELLANT

Advocate for PETITIONER

RESPONDENT

K. SUDHAKAR REDDY

B.Sc., LL.B.,

HIGH COURT OF A.P.

ADVOCATE

APPELLANT

Advocate for PETITIONER

RESPONDENT

Address for service :

Phone : 551455

Residence : H.No. 2-2-1132/5, Opp. SBI,  
New Nallakunta, Hyderabad.

*CAT*  
**In the High Court of Judicature, Andhra Pradesh  
at Hyderabad**

APPELLATE SIDE

of No. 1690 of 1997  
AGAINST

No. of 199 on the file of the court of

*T. Chenniah*

Appellant

Petitioner

VERSUS  
*G. M. Sc Rlys  
and another*

Respondent

Appellant

Petitioner

Respondent

I/We

In the above Appeal /Petition do hereby appoint and retain

**K. SUDHAKAR REDDY**

B.Sc., LL.B.,

Advocate/s of the High Court to appear for Me/Us in the above Appeal/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 money that may be payable to Me/Us in the said appeal/Petition and also to appear in all appeals, and applications under clause XV of the Letters Patent and in applications for review and for have to appeal to the Supreme Court



*X T 20 Oct 1997*

I certify that the contents of this Vakalat were read out and explained in.....*Cushish*.....in my presence to the executant, or executants who appeared perfectly to understand the same and made his, or her or their signature or mark or marks in my presence.

Executed before me this

5<sup>th</sup> day of April 1997

*J. D. S.  
A. D. H.*