

- 11 -

Amr 15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL-APPLICATION-NO.601-OF-1997

DATE OF ORDER: -9th-May, -1997

BETWEEN:

T.CHENCHAIAH

AND

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

APPLICANT

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 Tirupati. 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 certifiante issued by the RDO, Tirupathi in regard to

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
HYDERABAD

D.A.No. 1490/97 OF

DATE OF DECISION: 12-3-1998

T. Chenchaiiah

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.

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiiah

..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)

...2/-

-: 2 :-

(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. 6/11/93*

...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, ~~xxxx~~ 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  
TYPED BY  
COMPALED BY

I Court

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.

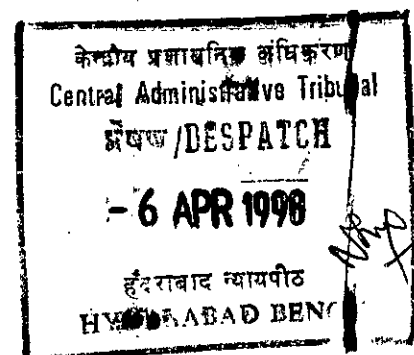
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



22

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:

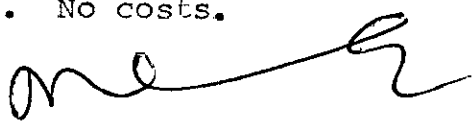
THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

COPY TO:

1. HDHND
2. HRRN (ADMN) MEMBER
3. HBSJP (JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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

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

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

DATE OF ORDER

12/6/2000

MA/CA/CP. 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

(6 copies)

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

19 JUN 2000

हैदराबाद न्यायपीठ  
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~~ 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 2ND COURT.

1. HVC

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

2. HMVN : MEMBER (ADMIN.)

3. HNSKA : MEMBER (ADMIN.)

THE HON'BLE MR. JUS. JEE NEELAM  
SANKHIA REDDY : V.C.

4. HBR : MEMBER (JUDL.)

THE HON'BLE MR. S.V. NATARAJAN  
MEMBER (ADMIN.)

5. D.R. (ADMIN.)

THE HON'BLE MR. S.K. ADARSH  
MEMBER (ADMIN.)

6. SHARE

THE HON'BLE MRS. DHARATI RAY  
MEMBER (JUDL.)

7. ADVOCATE

DATE OF ORDER

26/2/02

8. STANDING COUNSEL

MA/RA/CP. NO. 855/01

9. REPORTERS

IN

10. ALL BENCHES

CA. NO. 1490/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

<sup>MA</sup>  
ALLOWED

C.R. CLOSED

DISPOSED OF

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISPOSED AS WITHDRAWN

DENIED/REJECTED

DISPOSED/DISMISSED/WITH COSTS

DISPOSED OF AT THE ADMISSION STAGE

REJECTED

NO ORDER AS TO COSTS

Records/Judl./Notice/Posting

Part on 23/02

Not to be  
communicated  
By  
1/3/02

MA 855/01

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 5-3-2002.

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

*G. imp*

...3/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiiah

A N D



..Applicant

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)

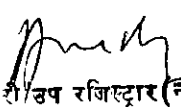
...2/-

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. /

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

  
न्यायालय अधिकारी/उप रजिस्ट्रार (न्यायिक)

Court Officer/Dy. Registrar

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद न्यायपीठ

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 implementa-  
tion of the judgement within a period of one week from today. MA  
disposed of. No costs.

CERTIFIED TRUE COPY

कम वेतन MA. 241/2000  
CASE NO. 241/2000  
नि. 1490/97  
DATE 12.6.2000  
कॉपी तैयार की गई 16.6.2000

श्री क. सुधाकर रेड्डी  
Sudhakar Reddy  
Court Officer

Central Administrative Tribunal



:PAGE NO. 6 :

24.  
FORM III (SEE RULE ~~8(3)~~)  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

M.A. NO: 855 OF 2001  
IN

O.A. No.1490 OF 1997

BETWEEN:

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

... APPLICANT

A N D

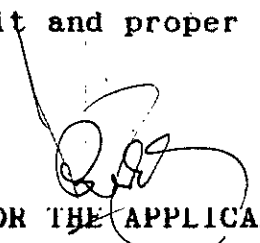
1. The General Manager,  
SC Railway, Rail Nilayam, Secunderabad.
2. The Dy. Chief Mechanical Engineer,  
CRS, SC Railway, Settipalli (Post),  
Chittoor (Dist.).

... 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 111 (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. Chenchaiiah

.. APPLICANT

A N D

The General Manager, SC Railway,  
Sec'bad and another.

.. RESPONDENTS

A F F I D A V I T

I, T. Chenchaiiah, 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 railway authorities 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 livelihood 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.

:PAGE NO. 9 :

(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 Settippalle 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. 141*

...3/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiiah

..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)

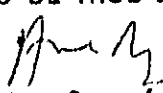
...2/-

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 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.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

  
आपातक अधिकारी/उप रजिस्ट्रार (न्यायिक)  
Court Officer/Dy. Registrar  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH

may be implemented by cross  
the Hon'ble Tribunal.

TRIBUNAL: HYDERABAD BENCH:  
AT: HYDERABAD.

M.A. NO. OF 2001

IN

O.A. NO: 1490 OF 2001

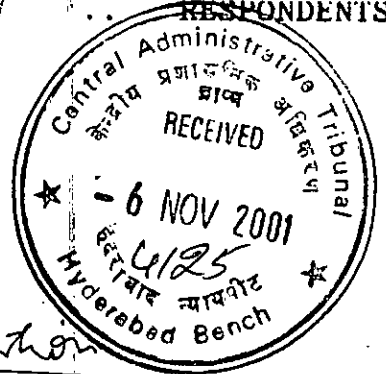
997.

BETWEEN:

T. Chenchaiiah ... APPLICANT

A N D

The GM, SCR, Sec bad and another  
RESPONDENTS



Implementation

PETITION:

Recd 6.11.2001  
N.R.D.U

PETITION FILED UNDER RULE 2(3)  
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  
N.R.D.U

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.

avl.

(HMVN)  
M(A)

5.3.02

on request call on 19.3.02.

HMVN  
M(A)

HMVN  
M(A)

19/3/02

Post on 26/3/02

HMVN  
M(A)

HMVN  
M(A)



M.A. 855/2001

3/12/2001

Counsel for the respondent  
Receiv. time to get instructions  
from his client. call  
on 21/12/2001.

H.MVN  
M(A)

HNSR-J  
VC

21/12/01

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

H.MVN  
only

HNSR  
VC

7.1.02

No representation for the  
applicant. Call on 6.2.02.

HNSR-J  
VC

6/2/02

Call on 26/2/02.

H.MVN  
M(A)

एकल सदस्य केस  
SINGLE MEMBER CASE

बेच केस/BENCH CASE

नव/ORIGINAL

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH : AT HYDERABAD.

HHRP

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

IN

OA. NO. 1490 OF 1997  
2001/2002.

Implementation Petition

Mr. K. Sridhakar Reddy  
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.

MA-1490/97

Post on 17/4/02.

by  
HBR  
m(s)

by  
HMVN  
m(A)

31.5.02

No representation. Ltr on

14.6.02.

by  
HBR  
m(s)

by  
HMVN  
m(A)

21/6/02

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

28/6/02

by  
HBR  
m(s)

by  
HMVN  
m(A)

28.6.02

Registry need not list  
this m(A) before us as it has  
already been allowed.

by  
HBR  
m(s)

by  
HMVN  
m(A)

MA-555/01

MA 1490/97

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 Nilayan,  
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 implment 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 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."

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.

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

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

*G. M.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A.1490/97

Date of decision: 12-3-1998

Between:

T. Chenchaiiah

..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)

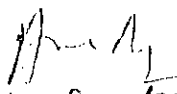
...2/-

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.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

  
न्यायालय अधिकारी/उप रजिस्ट्रार (न्यायिक)  
Court Officer/Dy. Registrar  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH



Admitted  
Attention may please  
made

S3

1/3

For dep

Underline

Shyam Singh

S3

Reg:- Direction Petition

BEFORE THE CENTRAL  
ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

MA NO.

OF 2000

IN

DA NO. 1490 OF 1997



DIRECTION PETITION

Put on 23/2/2000  
H. S. S. S.

MR. K. SUDHAKAR REDDY

ADVOCATE

COUNSEL FOR APPLICANT (S)

Shyam Singh  
S3

Shyam Singh  
S3

MA 241/2K in OA 1490/97

16.3.2000

Heard Sri K.S.R. Anjaneyulu  
for the applicant. None  
for the Respondents.

2. Notice. List on  
10-4-2K.

*DL*  
HBS SP  
M/S

*HRAN*  
M/A

notice to DA  
10/4/00

*DL*  
20/6/00

*DL*  
30/3/2000

10.4.2000

List on 6.6.2000.

*DL*  
HBS SP  
M/S

*HRAN*  
M/A

6/6/2000

List on 12/6/2000.

*DL*  
HBS SP  
M/S

*HRAN*  
VC

12.6.2000

MA Disposed of order on  
separate sheets. No copy.

*DL*  
HBS SP  
M/A

*HRAN*  
VC

CC today.

**सिंगल मेम्बर केस**  
**SINGLE MEMBER CASE**

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A.No.

241

of 2000

IN

O.A.No.

1490

of 1997

Direction petition

Mr.

K. Sivalakshmi

COUNSEL FOR THE APPLICANTS

AND

Mrs.

K. Siva Lakshmi

Standing Counsel

Addl Standing Counsel for Gen.  
Govt.,

Sr. STANDING COUNSEL FOR Gen.  
Govt.,

S.C. for RLYS.

Form No.8

(See Rule 29)

BY R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

1st 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'bad.&another.**

Represented by

Represented by

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

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

To

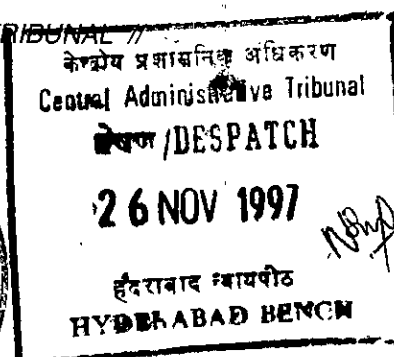
1. **The General Manager, South Central Railway, XXXXXXXXXX  
Rail Nilayam, Secunderabad.**
2. **The Dy.Chief Mechanical Engineer, Carriage Repair Shop,  
South Central Railway XXXX Settipally, (Post) Chittoor. Dist.**

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,** 199**7.** 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,** 199**7.**

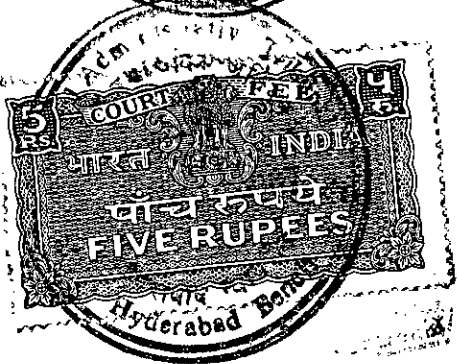
// BY ORDER OF THE TRIBUNAL //



Date :

FOR REGISTRAR.

5



CA  
**High Court of Andhra Pradesh  
at Hyderabad**

**APPELLATE SIDE**

DISTRICT

**V A K A L A T**

IN  
CA No. 1 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

04 No. 1400 of 1997  
AGAINST

No. of 199 on the file of the court of

T. Chenchiah

Appellant

Petitioner

VERSUS

G. M. Sekhys  
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. 20/10/97

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

5th day of April 1997

*[Signature]*