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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.160/97

Date of Order: 14.2.97

BETWEEN:

S.Ahmed Basha

.. Applicant.

AND

1. Sr. Divisional Personnel Officer,
S.C.Rly., Guntakal Division,
Guntakal, Ananpatur District.

2. Divisional Railway Manager,
S.C.Rly., Guntakal Division,
Guntakal, Anantapur Dist.

3. G.Venkatesh,
Dy.Station Superintendent,
Gooty Railway Station, S.C.Rly.,
Anantapur District.

.. Respondents.

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Counsel for the Applicant

.. Mr.M.C.Jacob

Counsel for the Respondents

.. Mr.J.R.Gopal Rao

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CORAM:

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

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

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J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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Heard Mr.M.C.Jacob, learned counsel for the applicant
and Mr.Krishna Mohan for Mr.J.R.Gopal Rao, learned standing
counsel for the respondents.

2. The applicant in this OA was working as Station Master
in the grade of Rs.1600-2600. It is stated that a notification
was issued for filling up the post of SS/TIS in the scale of
Rs.2000-3200 and the number of vacancies indicated in that
notification was 36. Accordingly the applicant and others
appeared for the selection. The applicant states that he had

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qualified in the selection and his name ^{was ✓} ~~is~~ at serial No.34 in the list of those who called for viva-voce. This is stated ^{in the} ~~by~~ letter No.G/P.608/I/T/Vol.VII, dt. 24.8.95 (A-II). A provisional panel of 32 candidates were issued empanelling them for the post of SS/TIs and the applicant states that he is next to the last man empanelled in the provisional list. In the provisional list 32 names have been shown as empanelled as can be seen from the letter dt. 28.8.95 (A-III).

3. The applicant now submits that instead of empanelling all the 36 candidates the respondents have resorted to promoting the SMS to the grade of Rs.2000-3200 on adhoc basis as per letter No. G/P.608/I/T/Vol.VII, dt. 27.7.96 and 22.8.96 (A-4 & 5). The applicant's case is that he is qualified in the written test and he would have empanelled and he would have come within the number of vacancies indicated in the notification. Hence promoting others eventhough they are senior to him in the grade of Rs.1600-2660 on adhoc basis is irregular and such action of the respondents promoting others on adhoc basis without empanelling of the 36 candidates as per the earlier notification is irregular and unjustifiable.

4. The applicant also submits that R-3 in this OA is junior to him in view of the direction given by the Supreme Court in Civil Appeal No.5410/92 (Union of India vs. M.Bhaskar & Ors.). The applicant also states that R-3 is also given the grade of Rs.2000-3200 though he is junior to him in view of the recent judgement of the Supreme court. The applicant has submitted representations on 23.9.96, 2.11.96 and 16.12.96 (A-6, 7 and 8). But it is stated that those representations are not yet disposed of.

5. This OA is filed challenging the adhoc promotions given by R-1 by proceeding dt. 22.8.96 and also for refixing the seniority of R-3 as per directions of the Supreme Court.

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6. It is premature to deal with this case at this juncture. It is sufficient^{ly} a direction is given to dispose of the representations at Annexure-6, 7 and 8 within a short period. If he is aggrieved by the disposal of the representation, he is free to approach the appropriate legal forum in accordance with the law.

7. In the result, R-2 is directed to dispose of his representations referred to above within a period of 2 months from the date of receipt of a copy of this order in accordance with the rule after giving notice to R-3.

8. The OA is disposed of as above at the admission stage itself. No costs.

9. (Registry should send the OA copy along with its enclosures and judgement to R-2).

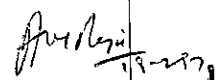

(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated: 14th February, 1997

(Dictated in Open Court)

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O.A.NO.160/97

Copy to:

1. Senior Divisional Personnel Officer,
South Central Railway, Guntakal Division,
Guntakal, Ananthapur District.
2. Divisional Railway Manager, South Central Railway,
Guntakal Division, Guntakal, Ananthapur District.
3. One copy to Mr.M.C.Jacob, Advocate,
H.NO.3-5-926/19/A, 1st Floor, Main Road,
Himayatnagar, Hyderabad.
4. One copy to Mr.J.R.Gopal Rao, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R.(A), CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One duplicate copy.

YLKR

9/2/97
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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

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

AND

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

DATED: 14/2/97

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

in

O.A.NO. 160/97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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Pr/wsp/2017/2
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