

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDRABAD

ORIGINAL APPLICATION NO.172 of 1997

DATE OF ORDER: 4th JANUARY, 1999

BETWEEN:

LAXMAN RAO P.

.. APPLICANT

AND

1. Union of India, rep. by the
General Manager,
South Central Railway,
Secunderabad,
2. The Chief Personnel Officer,
S.C.Railway,
Secunderabad,
3. The Divisional Railway Manager (Personnel),
S.C.Railway, (M.G.),
Hyderabad Division,
Secunderabad,
4. The Divisional Railway Manager (Personnel),
S.C.Railway (BG) Secunderabad Divn,
Secunderabad,
5. The Sr.Divisional Mechanical Engineer,
S.C.Railway, M.G.Section,
Hyderabad Division,
Secunderabad,
6. The Sr.Divisional Mechanical Engineer,
S.C.Railway, B.G.Section,
Secunderabad Division,
Secunderabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPAL RAO, Addl.CGSC

CORAM:

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

HON'BLE SHRI ~~R.S.~~ JAT PARAMESHWAR, MEMBER (JUDL.)

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JUDGMENT

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.J.R.Gopal Rao, learned standing counsel for the respondents.

2. The applicant in this OA was initially recruited as casual monthly rated labour in the Hyderabad Division. He was later promoted as Yard Khalasi and further promoted as Engine Cleaner. He came over to the running category. After the training, he was promoted as IInd Fireman. The applicant, it is stated, was posted to the Secunderabad Division for filling up the vacancies of Loco Running Staff Diesel Assistants and Fireman Gr.II, by the order No.CP/563/P/11/1/Dsl.Asst./Dept., dated 17.3.93 (Annexure-III at page 19 to the OA). In our opinion, the above said order dated 17.3.93 is not happily worded. It is stated that the applicant was to be promoted as Diesel Assistant way back in 1990 itself. But ~~as~~ he states that his juniors, both in the Secunderabad and Hyderabad Divisions, were promoted as Diesel Assistants after giving them training. The applicant was also not sent for Diesel Conversion Training. Subsequently, the applicant was sent for Diesel Conversion Training. A notification was issued by the order dated 30.7.96 (Annexure-V at page 23 to the OA) absorbing the steam surplus staff of Hyderabad Division as Diesel Assistants on Secunderabad Division. The name of the applicant is not finding a place in that list. Aggrieved by the above, the applicant has filed this OA for a direction to the respondents to absorb him on regular

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basis as Diesel Assistant in the Secunderabad (BG) Division taking his overall seniority in the cadre of IInd Fireman and for regularisation of his services as Diesel Assistant from the date his juniors were promoted as Diesel Assistants.

4. A reply has been filed in this OA. The contentions of the respondents are that a notification was issued calling for options from the steam surplus staff of Hyderabad Division to come to Secunderabad Division accepting bottom seniority. The applicant did not give his option at that time. Subsequently, the steam surplus staff of Hyderabad Division were asked to discharge the duties of the post to which they were holding in the Hyderabad and Secunderabad Divisions. The applicant is one among them. As he did not give option to come to Secunderabad Division accepting bottom seniority, he continued as IInd Fireman in the Secunderabad Division and none of his juniors similarly placed ^{to him} were ~~not~~ promoted as Diesel Assistants in the Secunderabad Division.

5. When we questioned the learned counsel for the applicant whether the applicant is willing to go back to the Hyderabad Division and regain his seniority as IInd Fireman in the Hyderabad Division and seek further promotion on that basis, the learned counsel for the applicant submitted that the career prospects in the Hyderabad Division are very poor and hence the applicant's going back to Hyderabad Division may not be a feasible proposition. In view of the above, the only way left ^{is} to find a solution to this problem ~~is~~, retaining the applicant

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in the Secunderabad Division.

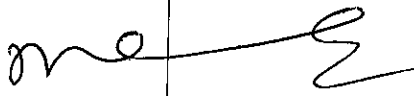
6. The applicant approached this Tribunal only when the order dated 30.7.96 (Annexure-V at page 23 to the OA) was issued absorbing some other surplus staff of Hyderabad Division as Diesel Assistants on Secunderabad Division. Hence it is fair that if an employee in the IInd Fireman cadre who is junior to the applicant in the Hyderabad Division as IInd Fireman came to the Secunderabad Division like the applicant and that junior employee is shown as promoted as Diesel Assistant by the order dated 30.7.96, then the applicant should also be considered for promotion on par with that junior provided he fulfills the other conditions for promotion to the post of Diesel Assistant.

7. The respondents should call the applicant fixing a date for showing him the records in regard to the promotion of the Second Fireman ^{or} at Hyderabad Division who ~~was~~ ^{was} promoted to the post of Diesel Assistant by the order dated 30.7.96. On that basis if the applicant has got any grievance, he may represent to the Divisional authorities suitably.

8. With the above directions, the OA is disposed of.
No order as to costs.


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

4.1.98


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED : 4th January, 1999
Dictated in the open court

Copy to:
1. DR(A) -
2. Spansy

13/1/99

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 4-1-98

ORDER/JUDGMENT

MA/R.A./C.P.No.

in

DA.NO. 172/97

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

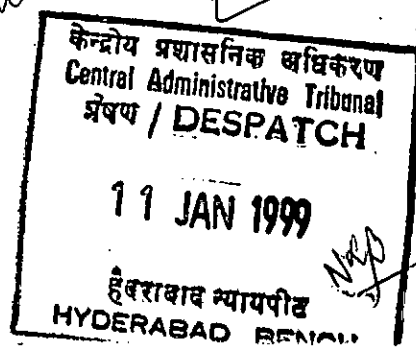
~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

SRR

(10 copies)

Pl. for the Coram
concluded in order properly



Form No.9

(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.

172 OF 1997

Applicant (s)

Lannu Rao v/s

Respondent (s)

Tu G. M. Secy Secy

By Advocate Shri : S. R. K Rao

(By/Central Govt. Standing Counsel)

J R. S. Rao

To

R1 - Tu G. M. Secy Secy

R2 - Tu CPO Secy Secy

R3 - Tu D R M. (P) Secy Secy (M)

R4 - Tu D R M. (P) Secy (B) Secy

R5 - Tu Sn D M E Secy M. H. Secy

R6 - Tu Sn D M E Secy B. Secy Secy

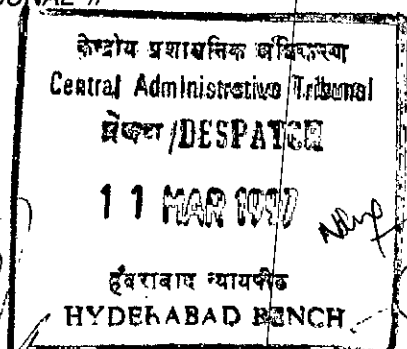
Where as an application filed by the above named applicant under Section 19 of the Administrative Tribunals Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the documents 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 14th day

February, 1997

// BY ORDER OF THE TRIBUNAL //



Date : 27/2/97

FOR REGIST

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCHAT: HYDERABAD

O.A. NO: OF 1996

BETWEEN:

Laxman Rao P.

APPLICANT

A N D

U.O.I. rep. by General Manager, S.C.Railway,
Secunderabad and 5 others. ..

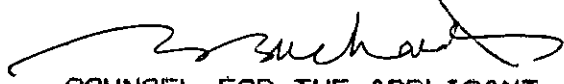
RESPONDENTS

CHRONOLOGICAL STATEMENT OF EVENTS

Sl.No.	Date:	E V E N T S
1.	12.7.1973	The applicant was initially recruited as Casual Monthly Rated in Hyderabad Division.
2.	1977	The applicant was promoted as Yard Khalasi.
3.	1982	He was further promoted as Engine Cleaner.
4.	28.3.1983	He came over to running category and after training was promoted as IInd Fireman.
5.	30.11.1988	Consequent on direction from Hon'ble CAT, HYB the Respondents published the seniority list.
6.	16.10.1990	Juniors to the applicant were promoted as Diesel Assistants. But the applicant was not promoted as such.
7.	12.11.1992	The applicant was given Diesel Conversion Training.
8.	17.3.1995	The applicant along with others transferred to Secunderabad (BG) Division for a period of 6 months on administrative reasons.
9.	1.5.1996	The Railway Board issued circular with guide lines for promotion to 1st Firemen/Diesel/Elec. Assts. which have been fulfilled by the applicant in all respects.
10.	30.7.1996	The IIIrd Respondent absorbed 29 IInd Firemen of Hyderabad Division who are all juniors to the applicant.

As the applicant has no other alternative except to approach this Hon'ble Tribunal had filed this application. Hence this application.

Hyderabad.
Date: 18.11.1996


COUNSEL FOR THE APPLICANT.

MA 1187/86

in

OAR 3779/86

Notice sent to RR 1 to 6 in MA

R₁ — sd

R₂ — sd

R₃ — sd

R₄ — sd

R₅ — sd

R₆ — sd

OA 172 of 1997

notice sent to RR 1 to 6.

R. 1 — sd

R. 2 — sd

R. 3 — sd

R. 4 — none

R. 5 — sd

R. 6 — sd

17/9

Notice of Miscellaneous Application

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

1st Floor, HACA Bhavan, Opp: Public Garden, Hyderabad-500 004. A.P.

MISCELLANEOUS APPLICATION NO. 1187. OF 1996.

IN

ORIGINAL APPLICATION NO. 1187. OF 1996.

APPLICANT (s)

VS.

Respondent (s)

G. LAKSHMAN REDD.

The General Manager, S.C. Ry. Sec'bad. & 9 others.

To

1. The General Manager, South Central Railway, Union of India, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager (Personnel) South Central Railway (R.G.) Hyderabad Division, Secunderabad.
4. The Divisional Railway Manager (Personnel), South Central Railway, (R.G.) Secunderabad Division, Secunderabad.
5. The Senior Divisional Mechanical Engineer, South Central Railway, R.G. Section, Hyderabad Division, Secunderabad.
6. Senior Divisional Mechanical Engineer, South Central Railway, R.G. Section, Secunderabad Division, Secunderabad.

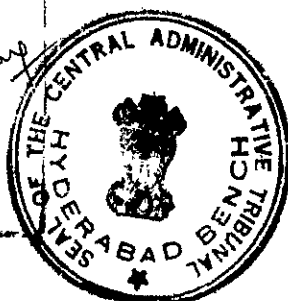
Whereas the applicant above named has filed Miscellaneous Application (copy enclosed) Under Rule 8 (3) of Central Administrative Tribunal (Procedure) Rules, 1987 in this Tribunal and whereas the Miscellaneous Application was ordered on 2-1-97.

Take notice that within 24-2-97 from the date of service of this notice, you may appear in person or through a duly authorised Legal practitioner and file in three complete sets, reply to the application along with documents if any, in a paper book form failing which the matter will be heard EX-PARTE.

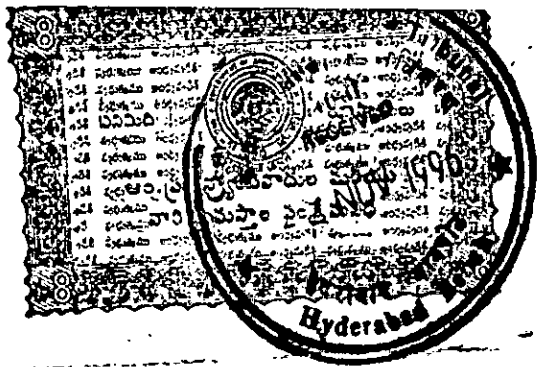
That, you the aforesaid Respondent No 1 to 6 do send for our use in Central Administrative Tribunal, Hyderabad Bench at Hyderabad all the singular the said records and other with all things touching the same as fully and perfectly as they have been made by you, before the Twenty Third day of February, 1997 and the case is posted for hearing on 24-2-97 at Hyderabad.

// BY ORDER OF THE TRIBUNAL //

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
22 JAN 1997
हैदराबाद न्यायपीठ
Date : 7-1-97 HYDERABAD BENCH



for REGISTRAR.



IN THE COURT OF THE CENTRAL

ADMINISTRATIVE TRIBUNAL

AT HYDERABAD

OA No.

of 1996

BETWEEN :-

P. Lakshman Rao

PLAINTIFF

PETITIONER

APPELLANT

COMPLAINANT

AND

DEFENDANT

RESPONDENT

ACCUSED

S. C. Railway Secunderabad
and 5 others

Accepted
VAKALAT
[Signature]

ACCEPTED

Advocate for :

Applicant.

Filed

18-11-

1996

Address for Service

SANKA RAMAKRISHNA RAO

B.A.L.L.B., P.G.D.C.R.S.,

ADVOCATE

1-1-10/2, Jainahar School Lane,
Jawahar Nagar, RTC X Road, Hyderabad-500 020.
PHONE : 638883