

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 533/99

Date of Order : 5.4.99

BETWEEN :

1. D.Chandra Mohana Rao	9. P.Saikrishna
2. B.Suryanarayana	10. S.Sridharasarma
3. V.Madhusudhana Rao	11. P.Sitarama Rao
4. I.Krishna Reddy	12. S.D.Nageswaram
5. M.Basheer Khan	13. G.Venkateswarlu
6. S.Mallikarjuna Rao	14. A.V.Mohan Rao
7. K.Ramadurai	15. G.L.Narasimha Rao
8. C.Subba Rao	16. K.V.Ramana Rao

.. Applicants.

AND

1. Union of India, Rep. by the Chairman, Rly. Board, Rail Bhavan, New Delhi.	2. General Manager, S.C.Railway, Rail Nilayam. Secunderabad.	3. Chief Personnel Officer, S.C.Railway, Rail Nilayam, Secunderabad.
---	--	--

.. Respondents.

- - -

Counsel for the Applicant .. Mr.G.Ramachandra Rao

Counsel for the Respondents .. Mr.N.R.Devraj

- - -

CORAM :

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

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

R

D

- - -

(28)

.. 2 ..

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

- - -

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

2. There are 16 applicants in this OA. They are Office Superintendent in various departments such as Personnel, Stores, Engineering etc. Their main grievance is that the post of Chief Office Superintendent in the scale of pay of Rs.7500-11,500 created under Railway Board's letter dated 10.5.98 (page-17) has not been ~~implemented~~ ^{filled} so far. To that extent they have filed a representation dated 5.11.98 (A-2). After filing of the representation the Railway Board by its order No.E(NG) I-98/PM13/2 dated 17.2.99 (A-3) has indicated that the posts are to be filled by "modified selection" by scrutinising the service records only as one time exception. The applicants are aggrieved by the order of filling up the posts under modified selection instead of regular selection. They have ~~not~~ filed any representation resisting the railway board's letter dated 17.2.99.

3. This OA is filed to set aside the impugned order dated 17.2.99 with a consequential direction to the respondents to fill up the post of Chief Office Superintendent only following the procedure in filling up the posts.

R D

.. 3 ..

4. The impugned order was passed by the Railway Board on 17.2.99, which was circulated by R-3 by letter dated 25.2.99. The applicant could have immediately submitted a representation on coming to know of the procedure. But the applicants have failed to do so, even though they submit that there is long delay in filling up the post. Hence on one hand the applicant requests for expediting the filling up the posts and at the same time did not take any action to challenge the Railway Board's letter dated 17.2.99 by filing a representation to the Railway Board.

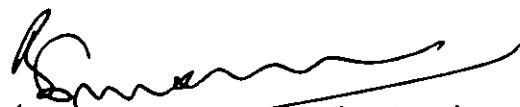
5. Under the above circumstances the following direction is given :-

The applicants : if so advised may submit a detailed representation for filling up the post of Chief Office Superintendent by the regular selection and not modified selection to R-1. Such representation should be submitted within 10 days from today. If such a representation is received within the stipulated time R-1 should dispose of the same within a period of 2 months from the date of receipt of the representation. Till such time the representation is disposed of the post should not be filled either by regular selection or modified selection.

30

.. 4 ..

6. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)

Member (Judl.)

S.M. 99


(R. RANGARAJAN)

Member (Admn.)

Dated : 5th April, 1999

(Dictated in Open Court)

Am 14

sd

Copy to

1. HDH NJ
2. HHRP M(A)
3. HOSDP M(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

9/4/99
CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

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

THE HON'BLE MR. B. S. JAI PARAMESWAR:
MEMBER (J)

DATED: 5/4/99

ORDER/ JUDGEMENT

~~MA./RA./CP. NO.~~

IN

O.A. NO. 533/99

ADMITTED AND IN-TERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

SRR

7 copies

C-1
After despatch, M-1 to
Approved by Hm(7).

Central Administrative Tribunal
Hyderabad Bench / DESPATCH

- 6 APR 1999

NCP

Hyderabad Bench
HYDERABAD BENCH