IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

..

O.A.No.538/99.

Date of decision: 8-4-1999

Between:

G. Prabhakar Rao. .. Applicant.

And

1. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.

2. Work Shop Personnel Officer, Wagon Work Shop, S.C.Railway, Guntupalli, Vijayawada, Krishna District.

3. K.Jogendra Reddy, Section Engineer, Inspection Wing, Wagon Work Shop, S.C.Railway, Guntupalli, Vijayawada, Krishnaa District.

4. N.S.R.Murthy, Sr.Section Engineer, Wagon Work Shop, S.C.Railway, Guntupalli, Vijayawada, Krishna Dt.

5. G.B.Jaganadha Rao, Enquiry Inspector, Sr. Dy.General Manager's Office, S.C.Railway, Secunderabad.

6. B.V.Subrahmanyam, Sr. Section Engineer, Wagon Work Shop, S.C.Railway, Guntupalli, Vijayawada, Krishna District.

7. G.V.Mohan Rao, Section Engineer, Wagon Work Shop, S.C.Railway, Guntupalli, Vijayawada, Krishna District. .. Respondents.

Counsel for the Applicant: Mr. M.C.Jacob

Counsel for the Respondents: Sri V.Bhimanna.

CORAM:

Hon'ble Sri Justice D.H.Nasir, Vice-Chairman.

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

O.A.No.538/99

JUDGMENT.

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

::

for Sri Jacob
Heard Sri Krishna Mohan for the Applicant

and Mr. Bhimanna for the Respondents.

The Applicant is aggrieved by his non-promotion to the post of Senior Section Engineer in the scale of Rs.7450--11500 (vide Annexure III - Page 14 to the O.A.) His complaint is that even though he was shown to be the seniormost Section Engineer in the seniority list of Section Engineers/Wagon Workshop/Guntupalli Mech.Department as on 6.7.1998 vide Annexure II Page 9 to theO.A., he was overlooked for the next promotion.

It appears that the applicant was removed from service as the result of Disciplinary Proceedings initiated against him. The punishment was, however, modified by the Appellate Authority to one of reduction to a lower stage in his time scale for a period of two years. The said punishment too came to an end in October,1997. A second penalty of stoppage of one increment for six months from 1.1.1998 to 30.6.1998 was also imposed on him and this penalty too ended by January,1998 and the pay of the Applicant was restored to its original position on 1.7.1998.

The contention of the Applicant is that by the promotions came to be notified in Annexure III, no punishment of any kind was in operation against him and that the second penalty, being in any case a minor one, cannot be a bar to his normal promotions. He relies upon Note 1(ii)and (iii) below para 3.9 of Railway Board's No. F(D&A)92 RG6-149(A) of 27.7.1995 in support of his argument that there was no justification in not empanelling him for promotion since such promotions are granted according to the seniority of an official and not by way of selection or merit.

In the circumstances, the Respondent No.1 is directed to dispose of the representations submitted by the Applicant on 17.8.1998 and 23.10.1998(Annexures IV and V to the O.A.,) within 45 days from the date of receipt of a copy of this Order on a proper scrutiny of the applicant's claim as per rules and law.

With the above direction, the O.A., is disposed of. No costs.

(H.RAJENDRA PRASAD)
Member(A)

(D.H.NASIR,J)
Vice-Chairman.

Date: 8-4-1999.

Dictated in open Court.

sss.

COPY TO:-

1. HDHNJ
2. HHRP M(A)
3. HBSJP M(J)
4. B.R.(A)
5. SPARE

IST AND IIND COURT

TYPED BY
COMPARED BY

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: 8.4.99

ORDER / JUDGEMENT

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

IN

O.A. No. OA.538/99

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED.

C.P.CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

SRR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
-6 MAY 1999
हैदराबाद न्यायपीठ
HYDERABAD BENCH