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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.548/99

DATE OF ORDER : 6-6-2000

Between :-

Syed Abdul Karim

...Applicant
And

1. Chief Electrical Engineer,
SC Railway, Sec'bad.
2. Chief Personnel Officer,
SC Railway, Sec'bad.
3. Dy.Chief Electrical Ehbineer,
SC Railway, Sec'bad.

...Respondents

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Counsel for the Applicant : Shri N.V.Ramakrishna

Counsel for the Respondents : Shri C.V.M.Reddy, SC for Rlys

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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)).

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...2.



(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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The applicant in this OA joined as probationaryTicket Collector on 20.12.1986. He was medically decategorised and hence he joined as Junior Clerk in the Sr.Divisional Electrical Engineers/MG Office on 13.11.1991. There was a request from the Divisional Engineer (Construction) for sending two senior clerks to work in the Construction Organisation on 7.12.1992. That was agreed to and the applicant and one Sri V.Sai Kumar were sent to construction organisation on adhoc promotion as Sr.Clerk. Later the applicant was promoted as Head Clerk on adhoc basis in the Construction Organisation with effect from 23.5.1996 against the ^{post of} work charge clerk.

2. When the matter stood thus the applicant was reverted back as Sr.Clerk and was further posted in Hyderabad Division in the Electrical Branch under Sr.Divisional Engineer as Sr.Clerk by the impugned order No.CEE/GC/SC dated 2.3.1998 (Annexure-IV page-10 to the OA).

3. This OA is filed to set aside the impugned proceedings of Respondent No.1 bearing No.CEE/GC/SC dated 2.3.1998 and for a consequential direction to the respondents to promote the applicant as Head Clerk from the date of reversion with all consequential benefits.

4. In the reply the facts as mentioned in the above is not disputed. However, it is stated that the applicant was promoted only on adhoc basis even to the post of Sr.Clerk in the Construc-

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...3.

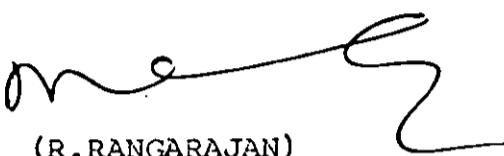
^{as}

tion Organisation and also on adhoc basis ~~he is~~ Head Clerk against Work Charge post and hence the applicant has no right to continue as Head Clerk. The reply further adds that there was representation in regard to the continuing of the applicant as Head Clerk from ~~his~~ seniors. Hence he was demoted. Even then he was demoted not because of her representation from the seniors but due to the fact that the number of posts of Head Clerks which was five was reduced to three from 1.4.1998 due to reduction in work. The applicants were reverted due to non availability of the Head Clerk posts in the Construction Organisation. The applicant being junior to the three Head Clerks continuing in the Construction Organisation for want of vacancies can have no grouse in issuing the impugned memorandum. The Respondents thus submit that the O.A. is liable to be dismissed. At the

5. At the outset it has to be stated that there is no rejoinder to the reply controverting the submissions made in the reply. We have checked up the seniority position of the three Head Clerks who are continuing in the Construction Organisation. The details reveal that the three persons who are retained in the construction organisation joined even before the applicant had joined i.e. in the year 1980, 1981 and 1982 respectively. Hence the applicant even presuming liable to get the seniority, he is liable to get when he joined as Trainee Clerk. He cannot get any seniority earlier to that. Hence we are of the opinion that the applicant is not senior ~~to~~ and cannot continue as Head Clerk when there are no posts available for them to continue them as Head Clerk ⁱⁿ with the Construction Organisation.

6. In view of what is stated above, we find that there is no irregularity in reverting ~~xxxxx~~ the applicant and posting him in the Electrical Branch by the impugned order. In that view, we are left with no alternative except to dismiss the OA.

7. Accordingly the O.A. is dismissed. No order as to costs.



(R.RANGARAJAN)
Member (A)


(D.H.NASIR)
Vice-Chairman

Dated: 6th June, 2000.
Dictated in Open Court.



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1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HONJ

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

2. HRRN(ADMIN) MEMBER

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

3. HBSJP(JUDL) MEMBER

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

4. D.R. (ADMIN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

6/6/00

MA/RA/CP. NO.

IN

OA. NO. 548/09

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER / S. 10 BOSRS

