

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.591/99

dt.19-4-99

Between

V. Kodandapani

: Applicant

and

1. Divnl. Railway Manager
SC Rly., Secunderabad Divn.
Secunderabad

2. Sr. Divnl. Personnel Officer
SC Rly., Secunderabad Division
Secunderabad

: Respondents

Counsel for the applicant

: J.M. Naidu
Advocate

Counsel for the respondents

: D.F.Paul
SC for Railways

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. H. Rajendra Prasad, Member (Adms.)

OA.591/99

dt.19-4-99

Order

Oral order (per Hon. Mr. Justice D.H. Nasir, VC)

Heard.

1. The applicant was appointed as Railway Protection Force Constable on 18-11-1979 and was promoted as Naik in March, 1996. He was medically decategorised by proceedings dated 7-2-1997 and was granted 180 days leave for the purpose of absorbing him in alternative post. The Screening Committee selected the applicant for the post of Peon in the scale of Rs.750-940 vide proceedings dated 10-11-97 of the Assistant Personnel Officer. The applicant joined in that post.

2. It is further submitted that the applicant made an application dated 20-7-1998 to reconsider his case by reviewing the matter for the post of Junior Clerk as it was done in the matter of M/s Atchaiah and Venkata Ramana.

3. The learned counsel for the applicant submits that the applicant was appointed on 18-11-1979 and Atchaiah was appointed on 17-4-1980, ^{and} therefore, it ^{was} ~~would be~~ necessary for the respondents to reconsider the case of the senior for the post of Junior Clerk before absorbing junior to that post.

4. The learned counsel also drew our attention to the provisions of Clause 2(a) of ^{para} 1309 of IREM Vol.I, which provides ^{that} :

"In the matter of absorption of medically decategorised staff care has to be exercised to ensure that when more than one medically decategorised staff from the same cadre are absorbed in alternative employment in the same

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..2.

seniority unit or cadre as far as possible the case of any senior who of necessity was absorbed in a lower post should be reviewed and efforts made to adjust the senior against the higher post and the junior taken only lower down either in the same grade or lower grade".

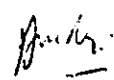
5. Considering the above submission made by the learned counsel and the provisions of ^{para} Rule 1309 of the Indian Railway Establishment Manual (IREM), cited above, it appears that interests of justice will be served if a suitable direction is given to Respondent-1 to reconsider the case of the applicant and to arrive at a decision after giving the applicant an opportunity of hearing if the applicant so desires. Ordered ^{to} accordingly.

6. The above direction of reconsidering the case of the applicant will be done within two months from the date of receipt of copy of this order.


(H. Rajendra Prasad)
Member (Admn.)


(D.H. Nasir)
Vice Chairman

Dated : 19 April, 99
Dictated in Open Court


15-4-99

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HDSJP 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: 19.4.99

ORDER / JUDGEMENT

MA./R.A./C.P.NO.

IN

C.A. No. 591/99.

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 HYD / DESPATCH - 6 MAY 1999 हैदराबाद न्यायपीठ HYDERABAD BENCH

7 (Settlement)