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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.739 of 1999.

DATE OF ORDER:9-6-2000.

Between:

G.Ranganna.

..Applicant

and

1. General Manager, (Representing UOI),  
S.C.Railway, Rail Nilayam,  
Secunderabad-500 071.
2. Chief Personnel Officer, S.C.Railway,  
Rail Nilayam, Secunderabad-500 071.
3. Chief Workshop Manager, Carriage Repair  
Shop, Chittoor District.
4. Workshop Personnel Officer, Carriage Repair  
Shop, South Central Railway, Tirupathi,  
Chittoor District.
5. M.Ravi Naik, Working as adhoc Skilled  
Fitter, Mill Wright Shop, Carriage Repair  
Shop, Tirupati, Chittoor District.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS : Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

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

:ORDER:

(PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.S.Ramakrishna Rao, learned Counsel for the Applicant and Mr.N.R.Devaraj, learned Standing Counsel for the Respondents. One Mr.Kuppu Swamy, OS-II of the Tirupati Workshop was present with the records. Notice served on R-5, called absent.

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2. The case pertains to the non-promotion of the applicant to the post of Skilled Grade-II in the Millwright cadre and promoting the Respondent No.5, who is an ST candidate against the vacancy when he was promoted on 27-4-1999.

3. The promotion of R-5 is challenged here on the ground that the said vacancy is to be filled by an SC candidate and the applicant belongs to SC and he is the senior most eligible candidate for consideration.

4. The learned Counsel for the Respondents submitted as follows:-

i) The cadre strength of Grade-II in the Millwright/cadre<sup>Shop</sup> is 23 and the cadre strength was full with the required percentage of SC and ST categories to the extent of 15 and 7½% as on 10-2-1995. There were no excess of Schedule Tribes and Scheduled Caste; or no short fall of Schedule Tribes or short fall of Schedule Caste on that date. Hence, the roster was deemed to have been closed on that date and thereafter the vacancy created ~~to another community candidate~~ is filled by the same community candidate. This they submit had been done in accordance with R.K.SABHARWAL's case reported in 1995(2) SCC 745.

ii) It is stated that one Sri M.Prasad Rao, who was an ST candidate and who died on 14-4-1998, occupied the slot no.23 in the Seniority List of Millwright Fitter Grade-II, which has a total cadre strength of only 23. As on that date when Sri M.Prasada Rao died, the roster was kept closed earlier to that date. Hence, that slot vacated by Sri M. Prasada Rao/<sup>who</sup> was an ST candidate, was filled by another ST candidate, who is eligible for consideration i.e., R-5 herein.

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5. It is not clear whether an employee can jump the cadre without working in an intermediate cadre for some specified number of years. In this case, Respondent No.5 was a semi-skilled as on 27-4-1999. When he was promoted <sup>and</sup> was posted as Skilled Grade-II without working in the cadre of Skilled Grade-III in the Millwright cadre. The above statement is answered by the respondents stating that the said Sri Prasada Rao had been promoted to the Skilled Grade-III with effect from 27-1-1996. However, the learned Counsel for the Applicant relying on the Seniority List purported to have been issued by the respondents as on 1-6-1998 states that Sri M.Ravi Naik, the Respondent No.5 herein, has been shown as a Millwright Fitter Semi-Skilled in that Seniority List. He further added that the statement that he has also been promoted as Skilled Grade-III on 27-1-1996 as stated by the respondents is incorrect. However, in the same Seniority List enclosed by the applicant as on 1-6-1998, there is a remark against the name of Sri Ravi-Naik to the effect ~~that~~ "promoted as Skilled-III adhoc as on 27-1-1996". It is not understood why the applicant <sup>had not noticed</sup> ~~displeases~~ the promotion of the Respondent No.5 with effect from 27-1-1996 inspite of that remark. However, the respondents should check whether the Respondent No.5 was continued as Skilled Grade-III right from 27-1-1996 till he was promoted as Grade II. This point can easily be checked from the payment made to Sri Ravi Naik on the basis of the Wage Bill.

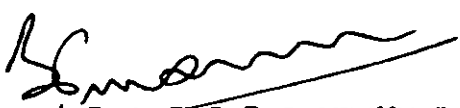
6. As the above point needs clarification, it is not necessary to keep the OA open to get the reply. The All India Schedule Caste and Schedule Tribes/Railway Employees'


Association had already submitted a representation dated 27-4-1999, which is enclosed as Annexure.A-III, page 15 to the rejoinder. The respondents have not replied that representation.

7. All these factual information are required to be checked. Hence, the following direction is given:-

'The respondents should reply the applicant on all the points raised in the representation dated 27-4-1999 of the Association and also other points which came up for consideration while discussing this OA within a period of two months from the date of receipt of a copy of this Order keeping our observations as above in mind. No doubt the applicant if he is not satisfied with that, he is at liberty to take such action as are available to him in accordance with the law.'

8. The OA is ordered accordingly. No costs.

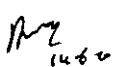
  
( B.S.JAI PARAMESHWAR )  
MEMBER (JUL.)  
9.6.2000

  
( R.RANGARAJAN )  
MEMBER (ADMN.)

DATED: this the 9th day of June, 2000

Dictated in the Open Court

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DSN

  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO:

1. HDHND
2. HRRN (ADMN) MEMBER
3. HBSJP (JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

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

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

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

DATE OF ORDER

9/6/00

MA/RA/CP.NO.

IN

DA.NO.

739/09

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(8 copies)

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH 22 JUN 2000 हैदराबाद न्यायाधीश HYDERABAD BENCH
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