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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.157/98

Date of Order: 16.12.99

BETWEEN :

R.Kandappa ..Applicant.

AND

1. Union of India, rep. by the General Manager, S.C.Railway, Rail Nilayam, Secunderabad.
2. Chief Personnel Officer, S.C.Railway, Rail Nilayam, Secunderabad.
3. Deputy Chief Mechanical Engineer, Carriage Repair Shop, S.C.Railway, Tirupathi, Chittoor Dist.
4. Workshop Personnel Officer, Carriage Repair Shop, S.C.Railway, Tirupathi, Chittoor Dist.
5. Sri M.Sitaraman, General Fitter, C.F.Shop, Carriage Repair Shop, S.C.Railway, Tirupathi.

..Respondents.

Counsel for the Applicant ..Mr. S.Ramakrishna Rao

Counsel for the Respondents ..Mr. K.Siva Reddy

CORAM :

HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

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

O R D E R

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

Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.K.Siva Reddy, learned standing counsel for the respondents.

2. The applicant in this OA while working as Diesel Mechanic Grade-III was appointed as Khalasi in the Carriage Repair Shop, Tirupathi on the basis of his option given as on 15.11.82. He was transferred to Mechanical Department,



S.C.Railway, Tirupathi on account of his option to absorb in Carriage Repair Shop, Tirupathi w.f. 24.5.88. The applicant submits that he should have been taken in Tirupathi as semi-skilled and not as khalasi as he was given a semi-skilled grade w.w.f. 1.8.78 in view of the retrospective promotion orders issued from that date under reclassification. Hence taking him as khalasi in Tirupathi is not in order and he should have been treated as having ~~treated~~ ^{opted} as semi skilled and on that basis his seniority should be fixed and further benefits should be granted to him.

3. The applicant has submitted a representation dated 19.12.97 (A-8). It is stated that his representation is still to be disposed of.

4. This OA is filed praying for issue an order or direction declaring that the applicant deemed to have been transferred to Carriage Repair Shop, Tirupathi in semi-skilled grade as semi-skilled grade optee w.e.f. 1.8.78 with all consequential benefits and to refix the seniority by reckoning the same in the grade of semi-skilled w.e.f. 1.8.78 and to grant him further promotion on that basis.

5. A reply has been filed in this OA. We have gone through the reply. The OA in our opinion has been covered by the directions given in OA.1486/96 (A-12). In that OA we have already given direction that the representation of the applicant in OA.1486/96 should be disposed of keeping in mind the decisions in OA.151/92 or OA.706/96. Hence the similar direction can also be given in this OA as it should be treated as covered by the judgements of this Tribunal in earlier OAs.

6. The respondents have stated in para-9 of the reply that if similar view is taken that will cause promotion to the applicant to much higher grade. That is not a proper submission on the part of the respondents. The respondents should consider the case of the applicant comparing it with the case of the applicant in OA.151/92 or 706/96 and decide this issue in accordance with the directions given in those cases.

7. In view of the above the following direction is given :-

The representation of the applicant dated 19.12.97 should be disposed of by the concerned competent authority considering the grounds urged by the applicant and also consider whether the case of the applicant is similar to that of the applicant in OAs.151/92 and 706/96 and dispose of the same in accordance with the rules. The concerned authority shall dispose of the said representation within 2 months from the date of receipt of a copy of this order. The concerned authority after consideration of the representation as directed above shall give a suitable reply thereon.

8. The OA is disposed of. No costs.



(R.RANGARAJAN)
Member(Admn.)



(D.H.NASIR)
Vice Chairman

Dated : 16th December, 1999
(Dictated in Open Court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

COPY TO.

1. HONORABLE

2. HONORABLE (ADMIN)

3. HONORABLE (JUDICIAL)

4. O.R. (ADMIN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE HONORABLE MR. JUSTICE DR. NASIR
VICE-CHIEF JUDGE

THE HONORABLE MR. R. RANGARAJAN
MEMBER (ADMIN)

THE HONORABLE MR. B. S. JAI PARAMESHWAR
MEMBER (JUDICIAL)

DATE OF ORDER 16/12/09

MA/RA/CP. NO.

IN
CA. NO. 157/09

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

