

54

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1064/99

DATE OF ORDER : 10-7-2000

Between :-

1. Sk.Khaja	16.Yadaiah
2. L.Bangariah	17.Shaik Mehmood
3. Hanumaiah	18.Moglaiah
4. Gouse Moinddin	19.Ashok
5. V.Ramanaiah	20.Narender
6. Mallesh	21.Narsimha Reddy
7.Yadgiri	22.M.Bikshapathi
8. Nagaiah .K	23.Sayed Ahmed
9. P.Yadgiri	24.V.Bikshapathi
10.Mohan Rao	25.N.Haridass
11.A.Rangaiah	26.Raguchanaiah
12.A.Venkatesh	27.Bhasker
13.Yellaiah	28.K.Augaiah
14.P.Sriramulu	29.Verappa
15.George	...Applicants

And

1. The Chairman, Railway Board, New Delhi.
2. The General Manager, SC Rlys,  
Rail Nilayam, Sec'bad.
3. The Chief Personnel Officer,  
SC Rlys, Rail Nilayam, Sec'bad.
4. The Divisional Railway Manager (P),  
Hyderabad Division, SC Rlys, Sanchalan Bhavan,  
Sec'bad.
5. The Divisional Mechanical Engineer,  
Diesel Shed, SC Rlys, Moulali, Hyderabad.

...Respondents

-- -- --

Counsel for the Applicants : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri D.F.Paul, SC for Rlys

-- -- --

CORAM:

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

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

-- -- --

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

-- -- --

Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Sri D.F.Paul, learned standing counsel for the Respondents.

2. There are 29 applicants in this O.A.. This O.A. is filed to declare the action of the respondent authorities in reducing the 50% quota to 20% under the promotion quota for filling up the vacancies of Technicians Grade.III in the scale of Rs.3050-4590 in DLS/MLY, SC Rlys as clearly illegal, arbitrary and unconstitutional and consequently direct the respondent authorities to maintain 50% promotion quota for lower grade staff i.e. Khalasi Helpers and consider all the applicants herein for promotion to Technician Grade.III posts.

3. The Railway Board issued impugned circular No.222/98 and circular dt.28.9.1998 for filling up the upgraded posts of Skilled Artisans in the scale of Rs.3050-4590 as per the revised methodology indicated in para-5 of the said letter.

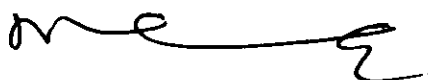
The circular was challenged by Technical Employees Association of Northern Railway Railways/in WP 289/99 . The Apex Court rejected the challenge for the reasons stated in the judgement. The whole issue was considered in detail in CA 949/2000 disposed of on 12.6.2000.

4. For the reasons stated in O.A.949/99, this O.A. is also liable to be dismissed and accordingly it is dismissed.

5. In regard to the submission of the applicant that even against 20% quota mentioned in para-5 of the Circular promotion of the staff in lower grade as per the prescribed procedure, the applicants are not considered. It is also stated by the

learned counsel for the applicants that even those 20% vacancies are going to be filled by those who are having qualifications without following the seniority cum suitability process. No one's posted against 20% quota vacancies yet. In view of the above, the employees concerned, if so advised, may initiate proceedings, if the posts in question are not filled <sup>as per</sup> No.222/98 dated 28.9.1998.

6. No order as to costs.



(R. RANGARAJAN)  
Member (A)



(D.H. NASIR)  
Vice-Chairman

Dated: 10th July, 2000.  
Dictated in Open Court.

  
13/7/00

avl/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

COPY TO

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

1ST AND 11ND 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. S. S. JAI PARAMESHWAR  
MEMBER (JUDL.) ✓

DATE OF ORDER 16/7/2000 X

MA/RA/CP.NO.  
IN

CA. NO. 1064/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALL OVED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
घोषण / DESPATCH

17 JUL 2000

हैदराबाद न्यायपीठ  
HYDERABAD BENCH