

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.1080 OF 1999.

DATE OF ORDER:3-8-1999.

BETWEEN:

K.G.Divakaran Pillai.

.....Applicant

a n d

1. General Manager, S.C.Railway,
Rail Nilayam, Secunderabad.
2. Chief Personnel Officer,
S.C.Railway, Rail Nilayam, Secunderabad.
3. Sr.Divisional Personnel Officer,
S.C.Railway, Guntakal Division,
Guntakal, Ananthapur District.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.M.V.Krishna Mohan

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)

: O R D E R :

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

Heard Mr.M.V.Krishna Mohan, learned Counsel
for the Applicant and Mr.N.R.Devaraj, learned
Standing Counsel for the Respondents.



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2. The applicant filed OA.No.1304 of 1996, which was disposed of on 27-8-1997 with the following Order:-

"Respondent No.2 and Respondent No.3 should comply with the orders dated:23-1-1995 of RLC (Central), Bangalore expeditiously and in any case within 4 months from the date of receipt of a copy of this order."

3. As the direction given in that Judgment was not complied with, it is stated that the applicant sent a Lawyer's notice. That was replied by the impugned Order No.G/P.347/JJA/YMs/RC/97, dated: 21-9-1998, (Annexure.A-VII, page.25 to the OA). It is stated that the case is pending with the Chief Personnel Officer i.e., Respondent No.2 herein for taking a final decision in regard to upgradation of duty from 'E.I.' to 'Continuous' and a reply is yet to be received. The upward classification will be implemented soon-after the receipt of the sanction from the Respondent No.2.

4. This OA is filed for a direction to the respondents to implement the upward classification for Dy.Yard Masters at Raichur from 10-8-1992 after declaring the delay and inaction on the part of the authorities in not implementing the upward classification as arbitrary, illegal and unjust.



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5. The learned Counsel for the Respondents on the basis of the instructions received from the respondent-department submitted that the job analysis already conducted is not satisfactory as there were vacancies of Yard Masters in Raichur and those vacancies could not be filled and hence a fresh job analysis is going to be done and on that basis a suitable reply will be issued to the applicant.

6. The respondents if they could not implement the Orders in OA.No.1304 of 1996, should have approached this Tribunal for extending^{the} time limit fixed in that Judgment. Unfortunately they took no action. Only when this OA is filed, they submit that further time is required for implementing the Orders in that Judgment. We feel that this is not a proper action on the part of the respondents and it may be deemed as a violation of the previous Judgment of this Tribunal. However, we do not further go into those details.

7. The learned Counsel for the Respondents submit that the fresh job analysis will be completed in two months time and ~~hence~~ a suitable reply will be issued to the applicant immediately thereafter with the approval of the Competent Authority.


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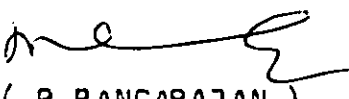
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8. In view of the above submission, time is given to the respondents to complete the job analysis and take a final decision in regard to the upgradation of the duty on or before 30-9-1999. A final reply in this connection should be issued to the applicant on or before that date.

9. The OA is disposed of at the admission stage itself. No costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
3/8/99


(R. RANGARAJAN)
MEMBER (ADMN)

DATED: this the 3rd day of August, 1999

Dictated to steno in the Open Court

DSN


6/8/99

1st AND 2nd COURT.

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HOSDP M(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPILED 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 (ADMIN)

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

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

ORDER: Date. 3/8/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN
DA.NO. 1080/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

