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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1095/99

DATE OF ORDER : 10-7-2000

Between :-

V.G.V.Rangachary

...Applicant

And

1. Union of India rep. by the General Manager,
SC Rlys, Rail Nilayam, Sec'bad-500 071.
2. The Chief Personnel Officer, SC Rlys,
Rail Nilayam, Sec'bad.
3. Dy.Chief Mechanical Engineer,
Carriage Repair Shops, SC Rlys,
Tirupathi, Chittoor District.
4. Workshop Personnel Officer,
Carriage Repair Shop, SC Rlys,
Tirupathi.
5. J.Jayanand

(R-5 impleaded as per court order
dt.17.2.2000 in MA 125/2000).

...Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri V.Rajeshwar Rao, SC for Rlys
for RR 1 to 4
Shri M.V.Krishna Mohan for R-5

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CORAM:

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

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

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

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...2.

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

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Heard Sri S.Ramakrishna Rao, learned counsel for the applicant, Sri V.Rajeshwar Rao, learned standing counsel for Respondents 1 to 4 and Mrs.Arupa, for Sri M.V.Krishna Mohan, learned counsel for Respondent No.5.

2. The applicant submits that he was working in Semi Skilled grade on the day of exercising options, due to issue of promotion orders with retrospective effect by order dt.24.3.1982. For this he relies on the judgement of this Tribunal in OA 151/92 disposed of on 23.2.1995.

3. This O.A. is filed praying for a direction to the Respondents that the applicant is deemed to have been transferred to Carriage Repair Shop, Tirupathi, SC Rlys, in the semi skilled grade as semi-skilled optees on absorption to Carriage Repair Shop, Tirupathi with all consequential benefits duly refixing the seniority by reckoning the same same in the grade of Semi-skilled with effect from 24.3.1982 i.e. from the date they have been promoted in their parent units and promote him to the next higher post on that basis as was decided in OA 151/92.

4. In OA 151/92 the applicant there in ~~was~~ ^{had} opted for coming to the Carriage Repair Shop, Tirupathi and that option was given on 15-4-1981. On the date of giving his option he was in the semi-skilled grade ~~and~~ due to retrospective operation of circular dated 24.11.1982 upgrading certain posts of un-skilled to semi skilled. The applicant in that O.A. because of the retrospective

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- 3 -

and

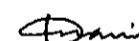
upgradation was promoted paid in the scale of pay of semi-skilled on the date when he gave option. In that view, it was held in that O.A. that in view of the office order dt.14.3.1987, the applicant therein should be considered as having opted to come to Tirupathi Carriage Repair Shop in semi-skilled category and not in un-skilled category.

5. The applicant in this O.A. submits that the decision in OA 151/92 holds good in this case also. In view of the above, the following direction is given :-

the
If on /date of option of the applicant to join Tirupati Workshop he was promoted as semi-skilled in view of the retrospective promotion to the post of semi-skilled by order dated 24.11.1982, the applicant is entitled for the relief as granted to the applicant in OA 151/92. If on the date of option the applicant cannot be promoted as semi-skilled in view of the retrospective promotion given by order dt. 24.11.1982, the applicant is not entitled for the relief as given to the applicant in OA 151/92.

6. Original application *is* ordered accordingly. No order as to costs.


(R. RANGARAJAN)
Member (A)


(D.H. NASIR)
Vice-Chairman

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO
1. HON'BLE JUDGE

1ST AND 2ND COURT

2. HON'BLE MEMBER

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

3. HON'BLE MEMBER

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

4. D.R. (ADMIN.)

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

5. SPARE

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

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 10/7/2000

MA/RA/CP.NO.
IN

CA. NO. 109599

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

(9 exes)

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS.

