

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A. No. 1213/99
QA.Sr.2088/99

dt.12-8-99

Between

G. Satyanarayana

: Applicant

and

1. General Manager
SC Rly, Rail Nilayam
Secunderabad

2. Sr. Divnl. Optg. Manager
SC Rly, Hubli

: Respondents

Counsel for the applicant

: K. Sudhakara Reddy
Advocate

Counsel for the respondents

: V. Rajeswara Rao
SC for Railways

Coram

Hon. Mr. R. RANGARAJAN, MEMBER (ADMN.)

Hon. Mr. B.S. JAI PARAMESHWAR, MEMBER (JUDL)





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Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.)

Heard Mr. K. Sudhakar Reddy for the applicant and Mr. V. Rajeswara Rao for the respondents.

1. The applicant in this OA while working as Assistant Station Master was issued with a charge sheet. Earlier he had filed OA.979/94. That OA was disposed of by order dated 6-12-1996 setting aside the impugned orders and penalty imposed upon the applicant therein also was quashed. However, an opportunity was given to the respondents to proceed against him by issuing fresh chargesheet. It is stated that a fresh charge sheet was issued subsequently and the applicant filed OA.1477/97 challenging that fresh chargesheet dated 7-2-97. That OA was disposed of by order dated 17-3-1999 dismissing the OA. Hence, two dates became important in this OA. The first chargesheet dated June, 1991 was set aside and the second chargesheet dated 7-2-1997 was allowed to be continued so as to pass suitable orders on the basis of the charge sheet. The applicant submits that some of his juniors were promoted earlier to 7-2-1997 when the second chargesheet was issued. On that date when his juniors were promoted to higher grade he was not undergoing any punishment or any chargesheet pending against ^{him} in view of the quashing of the charge sheet issued earlier to him in June, 1991, in the judgement in OA.979/94. Hence he contends that he should be promoted on par with his juniors from the date of his junior's promotion. Even though he prayed so in the earlier OA this Tribunal gave direction

..2.


to him to file a fresh OA in regard to his promotion.

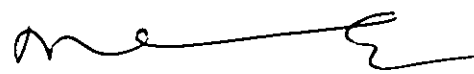
2. In view of the above, this OA is filed to consider his promotion to the grade of Rs.2375-3500 under restructuring of grades with effect from 1-3-1993 with all consequential benefits.

3. We enquired the learned counsel for the applicant whether he filed any representation to the authorities concerned for promoting him with effect from the date his juniors were promoted under restructuring scheme. On that date no disciplinary proceedings ^{were} ~~are~~ pending against him so he was not undergoing any punishment. The learned counsel for the applicant states that he did not do so. It is essential for him to approach the authorities for the above relief on the basis of valid contention raised herein. ^{the respondent authorities} If ~~he~~ refused to take cognizance of the representation and pass an appropriate order ~~which needs, in our opinion, is~~ ^{appropriate.} Then only he can approach this Tribunal for redressal of his grievance in view of ^{the} CAT Procedure rules. As the applicant has not taken that course of action he is now directed to approach the authorities concerned if he is so advised for the relief as prayed for in this OA. In case he is not successful he is at liberty to take such proceedings as deemed fit in the circumstances.

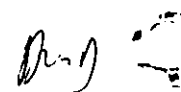
4. The respondents, if any representation is received in this connection, should dispose of the same in accordance with rules expeditiously preferably within two to three months from the date of receipt of copy of the representation.

5. The OA is disposed of as above. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)
12/8/99


(R. Rangarajan)
Member (Admn.)

Dated : August 12, 99
Dictated in Open Court


10/8/99