

I N THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH
AT HYDERABAD

OA.1 271/2000

dt.8-9_2000

Between

C.S. Madhumohan Rao

Applicant

and

1. Chief Personnel Officer
SC Rly., Secunderabad

2. Controller of Stores
SC Rly., Secunderabad

3. Manager, Printing & Stationery
SC Rly., Secunderabad

4. CB Mohan Rao
JE Gr.I Printing, o/o Manager
Printing & Stationery
SC Rly., Secunderabad

Respondents

Counsel for the applicant

: K. Venkateswara Rao
Advocate

Counsel for the respondents

: K. Siva Reddy
SC for Rlys.

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl)



Order

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

Heard ^M Mr. K. Venkateswara Rao for the applicant and Mr. K. Siva Reddy for the respondents. Notice served on R-4 called absent.

2. The applicant in this OA is an aspirant for the post of Foreman Grade II in the respondents organisation whereas he was not selected and R-4 was selected.


3. This OA is filed to call for records relating to letter No.P/Stores/648/OA.24/98 dated 23-6-99 issued by the Chief Personnel Officer, SC Rly., whereby his representation dated 5-5-99 for promotion to Grade II, was rejected, and for a consequential declaration that the applicant is entitled for promotion as Foreman Grade II with effect from 30-12-1997, the date on which the unofficial respondent was promoted, with all consequential benefits such as seniority, pay and allowances.


4. Regarding his seniority in the feeder cadre of Chargeman-A it is held in OA.81/86 dated 11-3-86 that ~~the promotion of~~ the applicant is junior to R-4 herein. The applicant *can not* re-agitated the same in view of the ^{principle of} res judicata. The only point for consideration in this OA is whether the selection to the post of Foreman was done in accordance with law.

5. It has been clearly stated in the reply that filling up of the post of Foreman Grade II is by selection and on the basis of merit. It is further added in the reply that in terms of instructions on selections, those who qualify by securing 30 out of 50 in professional ability and 60% in aggregate are to be arranged in the panel in the order of seniority. In the present case the number of assessed vacancy of Foreman Grade II is only one and R-4 is the seniormost and qualified in the selection. He was placed in panel for promotion to Foreman Gr.II in the scale of Rs.2000-3200.

6 . The applicant submitted that he is more meritorious than R-4. ~~Even accepting that~~ ^{the} selection to the post of Foreman Grade II is on the basis of those who qualify in the selection obtaining 30 out of 50 in the professional ability and 60% in aggregate ^{and} even if the applicant secured higher marks than R-4 as the R-4 had ^{also} secured more than 60% ~~and~~ then the seniority position ^{will decide the merit panel.} placed him above. If both have secured 30 out of 50 in the professional ability and 60% in the aggregate both are eligible for consideration for empanelment. In that case the senior will be empanelled in view of his eligibility. Even ^{the} ~~by~~ checking ^{the} records will serve no purpose if the above condition ^{is} ~~fulfills~~. Hence, in our view calling for records is not considered essential. It is ^{an} admitted fact that R-4 had got minimum requirement for ~~empanelment~~. ^{It is} not necessary to check the facts from the records. We do not believe that the respondents will unnecessarily submit without checking the proper records. It is not stated anywhere in the records that R-4 secured less than 30 out of 50 in the professional ability and 60% in aggregate.

7. In view of the above, we find no merit in the OA and hence the OA is dismissed. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)


(R. Rangarajan)
Member (Admn.)

8/9/2000

Dated : 8 Sept. 2000
Dictated in Open Court

sk

12
1990

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH:HYDERABAD

COPY TO:-

1. HDHND
2. HRRN (ADMN) MEMBER
3. HOSJP (JUDL) MEMBER
4. D.T. (ADMN)
5. SPARE
6. ADVICATE
7. STANDING COUNSEL

1ST AND 11ND COURT

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

THE HON'BLE MR. JUSTICE DH. NASIR
VICE-CHAIRMAN

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

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

DATE OF ORDER - 8.9.2000

MA/RA/CP.NC

IN

DA.N.L. 1271/2000 99.

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

o A DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

8 (copy)

