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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.128 of 1999

DATE OF JUDGMENT: 4th FEBRUARY, 2000

BETWEEN:

1. D.NEEMKAR,
2. D.V.SURYANARAYANA.

.. APPLICANTS

AND

1. The Chief Personnel Officer,
South Central Railway,
Secunderabad,
2. The Chief Engineer (Open Line),
S.C.Railway, Secunderabad,
3. D.RAJAMALLU,
4. A.VIJAYA KISHORE,
5. P.RAGHURAMA RAO.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.G.V.Subba Rao

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPALA RAO, Adl.CGSC

CORAM:

HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGMENT

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

Heard Mr.G.V.Subba Rao, learned counsel for the applicants and Ms.Shakti for Mr.J.R.Gopala Rao, learned standing counsel for the respondents.

2. The learned counsel for the applicants has submitted a letter dated 23.12.99 wherein it is stated that he tried to serve notice on the private respondents R-3 and R-4 but they refused to accept the notices and acknowledge the receipt. Hence notices are deemed to have been served on R-3 and R-4. R-3 and R-4 called absent. Notice served on R-5. R-5 called absent.





3. The grouse of the applicants is that R-4 and R-5 being juniors are already working on adhoc basis as Senior Section Engineers and their cses are not considered for promotion even on adhoc basis. They further submit that even adhoc promotions should be given on the basis of seniority-cum-suitability and they ^{were} ~~are~~ prepared to carry out transfer wherever they ^{were} ~~are~~ posted even on adhoc basis as SSE.

4. This OA is filed to call for the records pertaining to adhoc promotion given to R-3 to R-5 overlooking the claim of the applicants who are seniors to them and declare that not promoting the applicants either on regular basis or on adhoc basis against the existing vacancies in the grade of Senior Section Engineer in Scale Rs.7450-11500 is arbitrary, illegal and unconstitutional and for a consequential direction to the respondents to promote them either on regular basis or on adhoc basis as per seniority from the date their juniors are promoted as Senior Section Engineer with all consequential benefits.

5. A reply has been filed in this OA. The respondents submit that in the exigency of service in the construction organisation, the private respondents were posted as SSEs and that will not give the applicants any right for posting against those adhoc posts in the construction organisation. They further pointed out that in the representation of the applicants dated 6.4.98 enclosed as Annexure-III at page 11 to the OA the applicants have not stated that they are willing to carry

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out their transfer etc. from the present place of posting in place of their juniors. If they had stated so, probably their cases would have been considered.

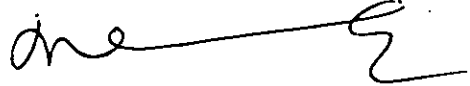
6. In view of the above submission, following direction is given:-

The applicants should give an undertaking to work even on adhoc basis anywhere they are posted in South Central Railway, if required in replacement of their juniors. Even for adhoc promotion, seniority should be taken note of. If such an undertaking is given by them within a period of a fortnight from the date of receipt of a copy of the judgment, the applicants should be posted even on adhoc basis as Senior Section Engineers if their juniors are working as Senior Section Engineers on adhoc basis.


7. With the above direction, the OA is disposed of.
No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

4.2.00


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 4th FEBRUARY, 2000
Dictated in the open court.



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