

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1260/99 and OA.1342/99

dt.12-2-2001

Between

V. Genga Raju (OA.1260/99)
B. Ramakotaiah (OA.1342/99)

: Applicants

and

1. The Union of India,
rep. by its Chairman, Railway Board
Govt. of India, Min. of Railways
New Delhi

2. Chief Personnel Officer, SE Railways
Garden Reach, Calcutta

3. Chief Electrical Engineer
SE Railways, Garden Reach
Calcutta

: Respondents

Counsel for the applicants : M. Kesava Rao, Advocate

Counsel for the respondents : C.V. Malla Reddy,
SC For Railways

Coram

Hon. Mr. Justice V. Rajagopala Reddy, Vice Chairman

Hon. Mr. M.V. Natarajan, Member (Admn.)

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Order

Oral order (per Hon. Mr. Justice V. Rajagopala Reddy, VC)

Heard Mr. M. Kesava Rao for the applicants in both the OAs and Mr. C. V. Malla Reddy for the respondents in both the OAs.

2. These two OAs can be disposed of by a common order. The facts and circumstances in OA.1260 of 99 is illustrative of both the cases.

3. The applicant was appointed as Assistant Electrical Engineer in 1986. The said post is in Group B Gazetted cadre. As per Recruitment Rules promotion to the Junior Scale Group-A is 50% by direct recruitment and 50% by promotion. The applicant was appointed as Divisional Electrical Engineer on adhoc basis on 23-10-1989 and he has been continuing as such till 14-5-1998 when he was regularised in the post of Divisional Electrical Engineer with effect from 16-3-1998. The grievance of the applicant is that there were several regular vacancies in the Junior Scale of Group-A, the applicant is kept only in the adhoc appointment and he was not considered for regular promotion to Group-A Junior Scale since 1989. He was only promoted in the impugned order dated 14-12-99 in regular capacity as the promotion was given effect to only with effect from 16-3-98 and not from 23-10-1989 when he was promoted on adhoc basis.

4. The respondents contested the case, while filing the counter and it is stated therein that all the allegations made by the applicant were denied by the respondents and it is stated that from 1986 onwards till 1999 the respondents were considering all the eligible candidates for promotion to the Junior Scale grade over direct recruitment as well

as by promotion, and several promotions were made. The contention that even though there were several vacancies arose from 1989 no promotions have been made till 1989, has been rightly denied. It is also stated that the applicant was promoted to Group-B in 1985. The applicant was promoted on adhoc basis to the Senior Scale in exigencies of service by the General Manager, SE Railways in accordance with the provisions of Rule 214(b) of IREC Vol.I, which empowers the General Manager to appoint a Group-B officer to officiate in Senior Scale on adhoc basis when circumstances warrant such ~~position~~. It is further stated that such posting to a senior scale of Group-B officers was made locally by the GM. Such adhoc promotion was made on seniority subject to fitness whereas promotion to Junior scale was made on selection.

5. We have given careful consideration to the arguments advanced by either side.

6. The main grievance of the applicant in this case is that no promotions have been made since 1989 on regular basis in the 50% quota to the Junior Scale of Group-A though such appointments were made by direct recruitment in 50% quota as per rules. Hence, the applicant was deprived of his chance for promotion to Junior scale Group-A from that date. It is not in dispute that the applicant was eligible for promotion from 1989. But the grievance of the applicant appears to be not based on facts. As seen from the following statement promotions have been made right from the year 1986 till date.

The statement is as follows :

Exam- nation year	Direct Recrt. Quota	Promo Quota	DPC	Date of effect held on	promotion noti- cation of promotion	promoted vide No.
1986	57	32	1	20, 21, 23 & 24 Nov. 89	01.12.89	E(GP)/88/1/54
1987	55	31	2	-do-	-do-	-do-

1	2	3	4	5	6
1988	35	21	8-10 Aug, 90	21.08.90	E(GP/89/1/54 dated 20-9-90
1989	35	65	PROMOTIONS REGULARISED, VIDE NOTIFICATION		
1990	31				NO.E(GP) 91/1/54 DATED 11-6-96 AND
1991	38				10-10-96, AGAINST THE REVISED PROMOTION
1992	38	50			QUOTA VACANCIES, BASED ON THE DECISION OF
1993	28	34			PRINCIPAL BENCH, AS INDICATED IN PARAS
1994	20	36	7 TO 13		
1995	20	30			
1996	51	34	4&6, MAR/98	16.03.98	E(GP)/97/1/54 DATED 14.5.98
1997	30	30	16&18 JUNE/99	24.06.99	E(GP)/98/1/54 DT. 6.8.99
1998	40	40	DPC YET		
1999	35	35	TO BE HELD		

7. The applicant places reliance upon the judgement of the Tribunal in OA.1113 of 95 between BSH Rao and Union of India and another dated 16-2-1999. In this judgement Hyderabad Bench of the Tribunal held that non-consideration of the applicant for promotion as against regular vacancy right from 1993 was improper and therefore a direction was given to ante date the promotion of the applicant with effect from 1-11-1985. In that case the question as to filling up the vacancy from 1981 was considered and it was thought that several vacancies which were to be filled up by promotion were not filled up by promotion quota. As such the applicant therein was entitled to be considered for promotion as against those vacancies.

8. In the present case, as stated supra the respondents *had* filled up all the posts that were available against direct quota. Hence, the applicant cannot have any grievance on this count.

9. The OA therefore fails and accordingly dismissed.

No costs.

प्रमाणित प्रति
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इन संख्या

CASE NUMBER

नियंत्रण संख्या

DATE OF JUDGEMENT

इति तत्वानुसारं विषय

COPY MADE READY ON

8.3.2001

अधिकारी/न्यायालय अधिकारी

Section Officer/Court Officer

गोपनीय न्यायिकरण

High Court of Andhra Pradesh