

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
 AT HYDERABAD

OA.453/99

Dated: 12.6.2000

Between

1. P. Ramakrishnam Raju
2. B.S.N. Sastry
3. L.T.S. Sharma
4. C.V. Subrahmanyam
5. V.V. Subba Rao
6. N.F. Roosevelt Mohan

: Applicants

And

1. Union of India, rep. by the Chairman
 Railway Board, Rail Bhavan, New Delhi
2. Chief Personnel Officer, SC Rly.
 IV Floor, Railnilayam, Secunderabad
3. Sr. Divnl. Personnel office, SC Rly.
 Vijayawada
4. T.V. KrishnaRao, OS Gr.I.
 Personnel Dept. SC Rly. Vijayawada
5. MVS Murthy, OS Gr.I
 Pers. Deptt., SC Rly., Vijayawada
6. Ch. Anjaneyulu, OS Gr.I,
 Pers. Deptt., SC Rly., Vijayawada
7. B.V. Chalapati Rao, OS. Gr.I,
 Pers. Deptt., SC Rly., Vijayawada

: Respondents

Counsel for the applicants

: K.S.Murthy,
 Advocate

Counsel for the respondents

: N.R. Devaraj
 SC for Railways

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

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

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OA.453/99

dated :12.6.2000

Order

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

Heard Mr. K. S. Murthy for the applicants and Mr. N.R. Devaraj for the respondents.

2. There are six applicants in this OA. They are working as Office Superintendent Grade II in the South Central Railways, Vijayawada. Their grouse is that combining OS Gr.II for the purpose of promotion to OS Gr.I in Guntupally Workshop, Railways Electrification Project and Vijayawada division of SC Rly. is irregular and that the OS Gr.I post in Vijayawada division of SC Rly. should be filled only from the OS Gr.II of Vijayawada division of SC Rly.

3. This OA is filed praying for a declaration that the action of the respondents in declaring that the post of Office Superintendent Gr.I will be filled by the Senior most in the combined list of OS Gr.II of Wagon Workshop and the Personnel Branch of the Vijayawada is arbitrary, unconstitutional and for a consequential direction to the respondents to consider the case of the applicant for promotion to the post of OS Gr.I by setting aside the order dated 11.9.1998 of R-3 and the proceedings dated 18.2.92 of R-1 with all consequential benefits.

4. The applicants submitted representations against decentralisation of the post of Office Superintendent Gr.I in the Scale of Rs.2000-3200/Rs.6500-10500 addressed to the General Manager of SC Railways by their representation dated 10.3.98 (Annex.III). That was rejected by the impugned order dated 11.9.98 (Annex.VI) and also office order dated 18.2.92 enclosed as Annex.A.I., by decentralising and filling up the post of Office Superintendent Gr.I by Headquarters control and combining the posts of OS Gr.I to be filled up in



Vijayawada and Railway Electrification, Bezawada and Wagon Repair workshop,
per 67
 Guntupally as one unit and by filling the senior most eligible candidate as OS.
 Gr.I in these three units.

5. The contention of the applicants is that the combining of the three units as above is unwarranted and that reduces the promotional chances of OS Gr.II of Vijayawada Division for getting promotion to OS Gr.I. It is not understood as to why the applicants have not challenged the impugned order dated 18.2.92 where by the posts of OS Gr.I were taken out of control from the Headquarters and combined as per item 4 of the impugned letter dated 18.2.92.

6. It was stated in the reply that in Vijayawada Division up to Office Superintendent Gr.II it was an independent unit. Even in the Guntapalli Workshop the posts up to OS Gr.II ~~is~~ was filled by the employees of that unit. That practice is continued. However, the Controlling OS Gr.I from the Headquarters was resisted by the organised unions as well as staff as they were transferred out of jurisdiction of the Vijayawada division. Hence, a decision was taken in consultation with the recognized unions to decentralised posts of OS Gr.I from the Headquarters' control and to combine certain units and divisions and workshops for promotion to the post of Office Superintendent Gr.I from feeder category of OS Gr.II who were eligible for consideration and accordingly the following units were treated as one unit :

Units/Divisions	Co-ordinating office
1. Headquarters office SC division HYB Division LGDS	One unit GM/P/SC
2. Hubli division UBLS GSD/UBL	One unit DRM/P/UBL
3. GTL Division CRS/TPTY	One unit DRM/P/GTL



4. BZA Division
RE Project/BZA
GTPL One unit DRM/P/BZA

7. As per that bifurcation the posts of OS Gr.I of Vijayawada, RE Project and workshop Guntupalli are combined and the OS Gr.II in the above said three units were considered for promotion which arose in those units on the basis of the seniority cum suitability in the year 1992. If the applicants were aggrieved by the said decentralisation and combining of the three units, they should have challenged that. They have not done so and there is no material that they did so, except their representation dated 10.3.98. It is not understood why they have not resisted immediately after 1992 and waited till 1998 to challenge the decentralization proposal?

8. When there is hardship for employees to carryout long distance transfers and that was realized by the Administration and certain decisions were taken to remove the hardships in consultation with the unions, such an order cannot be treated as irregular order. It is not that the South Central Railways has taken a unilateral decision. It had consultations with the unions and employees representatives. Hence, we do not see any irregularity in issuing the impugned order dated 18.2.92. The representation of the employees have been made very belatedly and was rejected for the reasons noted in the order dated 18.2.92.

9. The applicants have impleaded four officials in the OA on the ground that they are juniors to them and their promotion to OS Gr.I was contested. From the details given in page 3 of the reply, we find that all the four impleaded respondents had already been promoted as OS Gr.I some time in the year 1991 and 1994 respectively. Hence, at this juncture after six years after the private respondents were promoted impleading them serves no purpose.

10. In view of what is stated above, we find no irregularity in the orders passed for decentralisation and in filling up the posts of OS Gr.I on that basis and rejection of the representations of the applicants by the General Manager, SC

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RE Project/BZA
GTPL

One unit DRM/P/BZA

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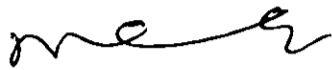
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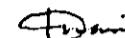
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11. In view of what is stated above we find no merits in the OA and hence the OA is dismissed. No costs.



(R. Rangarajan)
Member(Admn)



(D.H. Nasir)
Vice Chairman

Dated : 12 June, 2000
Dictated in Open Court



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HONJ
2. HRRN(ADMN) MEMBER
3. HBSJP(JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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

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

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

DATE OF ORDER 12/6/00

MA/RA/CP.NO.

IN

CA.NO.

453/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

