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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.4/99.

Date of Decision: 07-01-2000.

G. Gunakar Rao

.. Applicant.

Vs

1. The Union of India, rep. by its
General Manager, SC Railway,
Rail Nilayam, Sec'bad.
2. The Chief Personnel Officer,
SC Railway, Rail Nilayam,
Sec'bad.
3. The Divisional Railway Manager,
SC Railway, Hyderabad-Sec'bad.
4. The Manager,
Printing & Stationery,
SC Railway, Sec'bad.

.. Respondents.

Counsel for the applicant : Mr.J.M.Naidu

Counsel for the respondents : Mr.V.Bhimanna, SC for Rlys.

CORAM:-

THE HON'BLE JUSTICE D. H. NASIR : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.J.M.Naidu, learned counsel for the applicant and
Mr.V.Bhimanna, learned counsel for the respondents.

2. The applicant while working as Constable R.P.F., was declared medically unfit for B-I but was declared fit for Sedentary Job vide proceedings No.Sr.MS/LGD Lr.No.Y.Md/84, Vol. IV, dated 27-04-1996. The applicant was in the scale of pay of Rs.750-940/-. There was a vacancy of Packer-I in the scale of pay of Rs.825-1200/- in the Ticket Printing Press at the time of absorption of the applicant as Khalasi, consequent on his medical decategorisation. That post is a semi-skilled nature. But the applicant could

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not be posted against that post, as he did not have the necessary skills. Hence, the applicant was ~~given~~ in his representation addressed to R-2 ^{stated} ~~stating~~ that he is willing to join as khalasi in the lower grade of Rs.750-940/- on bottom seniority by his representation dated 10-12-96. But he requested ~~that~~ posting him as Packer-I if possible only. That was considered and he was appointed as Khalasi in the scale of pay of Rs.750-940/- against the existing vacancy in the Printing Press, Secunderabad by order No.M9/HYB/97. Dated 16-01-1997 (Annexure-XI).

3. Thereafter the applicant relying on the para-1313 and 1314 of IREM and also the Railway Board's letter No.E(MG)63586-31 Dated 25/26-8-64 (Annexure-XI) requested for giving seniority in the post of Khalasi in accordance with the rules quoted above. But that was rejected by the impugned order No.PSC/E/3(R)/IV/C-92 dated 6-4-98 (Annexure-XIV) on the ground that he was posted to Printing Press at his written request dated 10-12-1996 to join on bottom seniority as Khalasi and hence the seniority assigned to him needs no revision.

4. This OA is filed to set aside the impugned order No.PSC/E/3(R)/IV/C-92 dated 6-4-98 of R-4 which is based on the proceedings Lr.No.P.Misc./Stores/Press/111, dated 23-03-98 of R-2 and for a consequential direction to the respondents to fix his seniority taking into account his past service from 20-05-85 with all consequential benefits including promotion to the next higher post in view of the rules quoted by him.

5. A reply has been filed in this OA. When this OA was taken up for hearing it was heard for some time. The learned counsel for the applicant submitted that the impugned order dated 6-4-98 is appealable and he will put in a representation to R-1 for reconsideration of the orders issued in the impugned letter dated 6-4-98. In view of the above submission the merit of the case is not considered by us and we leave it to the General Manager to dispose of his representation as and when submitted.

6. In the result, the following direction is given:-

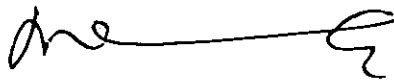
The applicant if so advised may submit a detailed representation in this connection within a period of one month from the date of receipt of a copy of this order. If

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such a representation is received R-1 should dispose of the same within 2 months from the date of receipt of a copy of the representation.

7. The OA is ordered accordingly. No costs.




(R. RANGARAJAN)
MEMBER(ADMN.)



(D. H. NASIR)
VICE CHAIRMAN

Dated: The 07th January, 2000.
(Dictated in the Open Court)


17-1-2000

SPR