

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.021/1031/2017 & M.A./021/179/2018

Date of Order : 13-04-2018

Between :

M. Venkata Ramana S/o late M. Anjaneyulu,
Aged 54 years, Occ : Chief Law Assistant,
O/o The Chief Personnel Officer,
South Central Railway, Rail Nilayam,
Secunderabad.

....Applicant

AND

1. Union of India represented by
The Chairman, Railway Board,
Ministry of Railways, Rail Bhavan,
New Delhi.

2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.

3. The Senior Deputy General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.

4. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.

...Respondents

Counsel for the Applicant: Mr. KRKV Prasad

Counsel for the Respondents : Mr. N. Srinatha Rao

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER

THE HON'BLE MRS. MINNIE MATHEW, ADMINISTRATIVE MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

This Original Application is filed by the applicant to declare the inaction of the Respondents in the matter of providing up-gradation to the applicant as Law Officer in terms of Railway Board instructions conveyed vide letter No. 2003E(GC)12-14(64), dated 30.05.2016 and also RBE No.104 / 2017 dated 25.08.2017 as illegal, arbitrary and accordingly direct the respondents to consider the case of the applicant forthwith for promoting him as Law Officer and also to grant all consequential benefits.

2. Brief facts essential to consider the issue involved in the present OA may be stated as follows :

The applicant is working as Chief Law Assistant in the office of Respondent No. 4 in South Central Railway, Secunderabad. The 3rd Respondent is the Cadre Controlling Authority in the Respondent Zonal Railways. According to him, in terms of seniority of Chief Law Assistant, he stands at Sl.No.2 and one Smt. T. Satyavathi is at Sl.No.1. It appears that, vide letter No.2003E(GC)12-14(64), dated 30.05.2016, the Railway Board has taken a decision to upgrade the 43 posts of Chief Law Assistants from Group 'C' posts of Chief Law Assistants in PB-2 with GP Rs.4600/- to Group 'B ' PB-2 with GP Rs.4800/-.

3. It is submitted by the applicant that the Railway Board vide RBE No.104 of 2017, dated 25.08.2017 instructed all the Zonal Railways that the

Group 'B' posts of Law Officers up-graded in terms of Railway Board instructions dated 30.05.2016 may be filled-up by the senior-most CLAs working on a non-fortuitous basis through seniority-cum-suitability. Therefore, according to the applicant, he is to be upgraded to the post of Law Officer on the basis of seniority-cum-suitability as one time exercise to give effect to the cadre restructuring in the Law Department. In view of the Railway Board instructions dated 25.08.2017, the notification issued vide letter dated 24.03.2017 to fill up 04 vacancies of Law Officers was cancelled vide letter No. SCR/P-HQ/260/Gaz/G5/LO/2016, dated 01.09.2017 and action was initiated in order to fill up 02 upgraded vacancies of Law Officers from among eligible Chief Law Assistants in terms of aforesaid Board's letter. The version of the applicant is that the Zonal Railways have been intentionally causing delay in providing upgradation from CLA to the Group-B cadre of Law Officer by entertaining doubts. Therefore the applicant is before this Tribunal praying for the aforementioned relief.

4. We have heard Mr. K. R. K. V. Prasad, learned counsel for the applicant and Mr. N. Srinatha Rao, learned Standing Counsel for Railways.

5. The grievance of the applicant seems to be that his upgradation to Group-B post of Law Officer is being delayed inspite of the Railway Board instructions and letters dated 25.08.2017, 14.09.2017, 24.03.2017, 26.02.2018 and 04.04.2018. In Railway Board letters dated 26.02.2018 and 04.04.2018, it is clarified that the suitability of the eligible CLAs for promotion to the upgraded post of Law Officer in terms of provisions

contained in Boards letter dated 26.02.2018 and 04.04.2018, securing minimum of 15 marks in 'Record of Service' may be declared successful. It is also further clarified that the upgradation shall be on the basis of record of service and the zone of consideration for calling the candidates for filling up the upgraded post is determined in the ratio of 1:1. The Respondents have not disputed the fact that the applicant is No.2 in the seniority list for the post in question and from the Railway Boards letter it is clear that the post for Law Officer is not a selection post and the upgradation can be done basing on the guidelines mentioned in these two letters which obviously indicate that it is on the basis of seniority-cum-suitability.

6. In view of the above, the Respondents are directed to consider the case of the applicant for upgradation to the post of Law Officer (Group-B) on the criteria mentioned in the Railway Board letters dated 04.04.2018 and 26.02.2018 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. The Original Application is accordingly allowed. No order as to costs.

8. In view of the final disposal of the main OA, MA No.179/2018 filed for deletion of Respondent No.1 stands dismissed as not necessary.

(MINNIE MATHEW)
ADMINISTRATIVE MEMBER

(R.KANTHA RAO)
JUDICIAL MEMBER

Dated : 13th April, 2018.
Dictated in Open Court.

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