

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.3675 of 2020

24.02.2020

Between:

Adapala Srimanth

... Petitioner

and

Union of India and others

...Respondents

Counsel for the petitioner : Mr. P. Ramchander Rao

Counsel for the respondents: Ms. Pushpinder Kaur

The Court made the following:



ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner has challenged the legality of the order dated 18.02.2020, passed by the learned Central Administrative Tribunal, Hyderabad Bench, whereby the learned Tribunal has declined to grant the interim relief prayed by the petitioner before the learned Tribunal.

The petitioner had prayed an interim relief of staying the operation of the order dated 10.12.2019, based on the order dated 21.11.2019. By order dated 10.12.2019, those persons who were medically decategorised were recommended for alternative employment on medical grounds. By the said order, the petitioner was also recommended for alternative employment in Commercial Department as CSR in Level-6 (GP Rs.2800). The said order was based on the order dated 21.11.2019. Since the petitioner was aggrieved by these two orders, he challenged the same before the learned Tribunal.

Mr. P. Ramachander Rao, the learned counsel for the petitioner, submits that on 13.12.2019, the petitioner had submitted a representation to the Senior Divisional Personnel Officer, South Central Railway, Secunderabad, wherein he had clearly stated that after his decategorisation, he is entitled to be adjusted against C-I and below post. Therefore, he had requested that he be given an alternative post in the equivalent Grade and post, i.e in scale Rs.9300-38400 GP Rs.4600. However, despite the pendency of the said representation, the impugned order dated 10.12.2019 has been passed. Therefore, in case the operation of the order dated 10.12.2019 were stayed, the petitioner can be adjusted to a post where he will be competent to discharge his duties.

Heard the learned counsel and perused the impugned order.

The prayer being made by the petitioner before the learned Tribunal is highly misplaced. For, the question for consideration before the learned Tribunal is whether the alternative employment given to the petitioner is legally justified or not? Whether the petitioner is entitled to be adjusted against another post, in which he can discharge his duties comfortably, or not? The mere suspension of the order dated 10.12.2019 would not automatically mean that the petitioner would be adjusted as per the prayer made in his representation dated 13.12.2019. Moreover, it is not a case where the final relief can be given at the interim stage. Therefore, the learned Tribunal is well justified in issuing notice to the respondents, and in granting sufficient time to the respondents to file their counter.

For the reasons stated above, this Court does not find any merit in the present writ petition; it is hereby dismissed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

24th February, 2020
JSU

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