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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1072 of 1995

New Delhi this the 8th day of June, 1995.

THE HON'BLE MR. JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

Laxmi Narain S/O Kushala Ram,
TNC-Khallas, ... Applicant
C/O Station Superintendent,
N. Rly Station, Rewari,
Haryana.

(By Shri B. N. Bhargava, Advocate)

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Bikaner Division,
Rajasthan.
3. The Station Superintendent,
Northern Railway,
Rewari. ... Respondent

ORDER (ORAL)

Shri Justice S. C. Mathur --

The applicant is aggrieved by order dated 1.5.1995 issued from the office of the Divisional Railway Manager, Northern Railway, Bikaner (Annexure A-1). In this order it has been provided that the applicant shall be kept on LAP till he is absorbed in alternative category. The applicant has also been required to appear before the absorption committee on 30.5.1995.

2. The facts necessary for the disposal of this application are thus -

The applicant was working as Lamp Man. Admittedly, he was declared medically unfit to discharge duties of that post. The railway

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administration accordingly started efforts to absorb him in alternative job. By order dated 13.7.1994, the applicant was offered the post of Khallasi under I.O.W. This was subject to his acceptance of job. The memorandum sent to the applicant mentions, "If you are willing for the above post, please send your written willingness to this office immediately." The applicant claims to have sent his reply on 9.10.1994 declining to accept the offer. Thereafter, the impugned order was issued in which it has been stated that the applicant shall be kept on LAP till he is absorbed in alternative category. The applicant has further been directed to be required to be present before the absorption committee on 30.5.1995. From this, it is apparent that the administration has taken note of the applicant's refusal to accept the offer made through order dated 13.7.1994, and the administration is now considering to absorb him on some other job. The applicant did not appear before the absorption committee on 30.5.1995 and instead claims to have sent a telegram on 2.6.1995 stating therein that no spare memo/duty pass had been issued to him. Through this telegram the applicant intended to convey to the concerned officer that he was unable to appear before the absorption committee as neither he had been spared to go to Bikaner from Rewari where he was posted, nor the pass had been issued to him. The respondents have nor yet passed any order refusing to consider the applicant's representation or refusing him absorption on alternative job. It appears from the material on record that the matter

of applicant's absorption on appropriate job is still engaging the attention of the administration. Approach to this Tribunal at this stage is entirely misconceived.

3. In view of the above, the application is dismissed in limine.

P. J. D.

(P.T. Thiruvengadam)
Member (A)

S. C. Mathur

Chairman

/as/