

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/01541/2014

HYDERABAD, this the 4th day of February, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



K.A. Sunil Kumar,
S/o. E. Manasaiah,
Aged about 23 years,
Substitute Emergency Peon
To Sri Govind Pandey, Dy. CME (WSM),
Railway Wheel Factory,
Yelahanka Bangalore,
R/o. Baduguleru (V), Kanigiri (M),
Prakasam District.

...Applicant

(By Advocate : Mr. K. Sudhakar Reddy)

Vs.

1. Union of India, Rep. by the General Manager,
Personnel Department,
Rail Wheel Factory, Yelahanka,
Bangalore – 106.
2. The Chief Personnel Officer,
Personnel Department,
Rail Wheel Factory, Yelahanka,
Bangalore – 106.

....Respondents

(By Advocate : Mr.T. Sanjay Reddy, Proxy counsel representing
Mr. T. Hanumantha Reddy, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA is filed for not allowing the applicant to perform duties as a substitute emergency peon.

3. Brief facts of the case are that the applicant was appointed as substitute emergency peon to one Sri Govind Pandey, Dy. CME (Mfg)/RWF/YNK on 5.5.2011 and he accepted the offer dt.13.05.2011, on 23.05.2011. Applicant worked with the officer for 7 months and later, he was not allowed to work nor paid salary. Hence, the OA.

4. The contentions of the applicant are that the Dy. CME has engaged his relative in place of applicant. Getting the work done and not paying the applicant as well as not allowing him to work, is illegal.

5. Respondents state that the applicant was sponsored on 5.5.2011 and being found medically fit was given the offer of appointment on 13.05.2011. Applicant never joined and hence, the Dy. CME had to engage replacement.

6. Heard both the counsel and perused the pleadings.

7. It is a fact that the applicant was offered the post of Emergency Peon on 13.05.2011. It is also a fact that the applicant has not joined the post as per his own admission evidenced by his letter dated 12.11.2012 & 4.11.2013 (R-2). Therefore, the question of denying 7 months salary and not allowing the applicant to work is incorrect. Ld. Counsel for the applicant pleaded that the respondents may be directed to examine the

request of the applicant, as he is poor and from the lower strata of the society. We leave it open to the respondents to examine the issue as per the extant rules and decide.

With the above direction, the OA is disposed of with no order as to



costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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