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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO. 215/90

DATE OF DECISION: 6-7-1990.

SHRI GHODRAN RAM

APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

RESPONDENTS

SHRI S.C. GUPTA

ADVOCATE FOR THE APPLICANT

SHRI INDERJIT SHARMA

ADVOCATE FOR THE RESPONDENTS.

CORAM

HON'BLE MR. T.S. OBEROI, MEMBER (J)

HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

JUDGEMENT (ORAL)

(delivered by Hon'ble Mr. I.K. Rasgotra, Member (A))

This OA has been filed by the applicant who had worked as a Gangman from 12.6.1986 to 20.4.1987 when he was medically found unfit for the job but he was found fit for appointment under C-II Medical Category. The applicant belongs to the SC Community. From the papers we find that the D.R.M., New Delhi, in his memorandum dated 16.10.1989 had instructed A.E.N. Tughlakabad to appoint the applicant in C-II Medical Category under advice to D.R.M. office. As A.E.N., Tughlakabad did not have any vacancy in that category, the applicant could not be given a job. Later D.R.M., New Delhi, vide letter No.726E/16-14106-P-4 dated 19.10.1989 directed AEN-E/1, N.D.L.S., New Delhi to appoint the applicant as a Safaiwala at Sarojini Nagar under IQW/NZM in the pay scale of Rs.750-940. This memorandum also did not help the applicant as AEN/NZM, too, did not have a vacancy of Safaiwala.

[Signature]

2. Notice for the application was sent to the respondents by the Tribunal vide order dated 9.2.1990. A fresh notice was issued as per order dated 16.3.1990. As there was no response from the respondents, Shri Inderjit Sharma, one of the counsel appearing for the Railways, was requested to seek instructions from the respondents on 20.4.1990. When the case came up for hearing, on 8.5.1990 Shri Inderjit Sharma advised the Court that Shri C. Ramesh has been assigned this case by the respondents and that he would be prosecuting the matter on behalf of the respondents. Shri C. Ramesh has, however, neither filed the reply nor put up his appearance.

3. In view of the above circumstances, we order and direct the respondents to provide an alternative job in the pay scale of Rs.750-940 to the applicant within a period of 12 weeks from the date of communication of this order.

4. Besides sending a copy of this order to the respondents and the applicant, a copy of this order should also be sent to Shri S.M. Vaish, General Manager, Northern Railway, for taking action, as deemed fit. The OA is disposed of with the directions as above.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A) 6/7/90

T.S. Oberoi 6/7/90
(T.S. Oberoi)
Member (J)