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Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration No. 200 of 1986.

Ravindra Kumar Applicant
Vs.

The General Manager
North Eastern Railway, Respondents.
Gorakhpur and 2 others

Hon. D.S.Misra, Member (A)
Hon. G.S.Sharma, Member (J)

(By Hon. G.S.Sharma, Member (J))

This is an application under Section 19
of the Administrative Tribunals Act (No. 13 of 1985)
for the following reliefs :-

- "(a) to pass orders directing the respondents to give all benefits and relaxation in service matter to the petitioner as are available to a Scheduled Caste under the Constitution of India ;
- (b) to pass orders, restraining the respondents to follow the doctrine of 'first come last go' and so long as doctors juniors to petitioner and having no better position than the petitioner are retained in service, the petitioner may not be removed from service;
- (c) to pass orders restraining the respondents in any case, from removing the petitioner from services until he avails 3 chances till the year 1987 of the relevant examination by the Union Public Service Commission and until petitioner is declared to be the successful in all the three attempts."

2. It is alleged that the applicant is a member of Scheduled Caste and was appointed and joined as Assistant Medical Officer, North Eastern Railway on 15.11.1983. Under the terms and conditions of his appointment, the applicant has to avail three chances to qualify the examination to be held by the Union Public Service Commission for Railway Doctors. The applicant has not yet availed of the requisite 3 chances. He has also not been granted the relaxation and benefits guaranteed under

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the Constitution to the officers of Scheduled Caste but the General Manager and Chief Medical Officer of North Eastern Railway, Gorakhpur (respondent nos. 1 and 2) are being misrepresented by the juniors of the applicant and they want to get the applicant relieved of the charge on the wrong allegation that he has not qualified the examination in 3 years after his appointment.

3. The respondents filed a very short reply. Paragraphs 3 and 4 thereof are very relevant and quoted below in verbatim for the sake of convenience :-

" 3. That with regard to the first relief the petitioner is being given all benefit which are admissible to a Scheduled Caste under the Constitution.

4. That with regard to the other reliefs restraining the respondents from terminating the services of the petitioner, it may be stated that the petitioner's services are not being terminated and there is no proposal at all to terminate his services. The petitioner's service shall only be terminated in accordance with law."

4. There is nothing in the petition filed by the applicant to show that the respondent nos. 1 and 2 or the respondent no. 3- Union of India through any officer ever tried to discriminate ^{the applicant,} with the others on account of alleged misrepresentation by his any juniors. No threatening letter or order was ever issued by the respondents to the applicant on account of the said misrepresentation. Further, in view of the clear and unambiguous reply filed on behalf of the respondents that the applicant is being given full benefits admissible to him as a member of Scheduled Caste under the Constitution and his services are not

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being terminated by them and there is no such proposal under consideration to do so and everything will be done in accordance with law, we find no merit in this petition.

5. In view of the nature of the pleadings of the parties as stated above, the apprehension of the applicant is not well founded and in fact there is no real threat to his service and he is not being treated unfairly and no breach of the rights guaranteed by Article 14 and 16 of the Constitution has been committed or threatened by the respondents in this case. However, instead of dismissing the petition, it may be disposed of in accordance with assurance given by the respondents in their reply.

6. It is accordingly ordered that the applicant shall be given all the required benefits to which he may be found entitled as a member of Scheduled Caste under the Constitution and his services shall not be terminated otherwise than in accordance with law.

The parties are directed to bear their own costs.

[Signature]
Member (A)

Subarwan
30/7/86
Member (J)

Dated 30.7.1986
kkb