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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 9 of 1988

R.C. Sharma

.... Applicant

Versus

Union of India and Ors

.... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. K. Obayya, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C)

The applicant appeared in the examination of Accounts Clerk Grade-II of Northern Railway, held by the Railway Commission, Allahabad in the year 1975. The aforesaid vacancy was declared vide Employment Notice No. 73-74. The examination was conducted by the Railway Service Commission. The applicant waited for the result for months together and thereafter the applicant approached the Railway Service Commission Allahabad in the month of Nov. 1975 and thereafter started sending letters after letter but even then no information could be given.

2. According to the applicant he learnt from another S.O. Accounts that the applicant too was selected on the said post. Thereafter the applicant again made representation before the Railway

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Service Commission and the Railway Service Commission vide its letter dated 8.11.85 informed the applicant that the Railway Service Commission only selects the candidates and declare the results but the appointment letters are sent through G.M Personnel and therefore, he should contact the General Manager(Personnel) regarding the aforesaid appointment letter. The applicant then again made another chain of representation ~~started~~ and it appears that political figures also intervened but it was later on admitted that the applicant cannot be selected vide letter dated 11.5.87 which was informed by the Financial Adviser & Chief Accounts Officer and that is why he approached this Tribunal praying that the respondents be directed to issue the fresh appointment letter in pursuance of the result dated 8.2.76 on the post of Accounts Clerk Grade II, Northern Railway and that the applicant declared to be holding the post of Accounts Clerk Gr. II by virtue of his selection and appointment and entitled for all benefits.

2. The respondents ~~are~~ opposed the claim of the applicant and have pleaded that according to the records of the office the name of Ramesh Chandra Sharma with Roll. No.3214 was recommended to the Northern Railway for the post of Accounts Clerk in grade 260-400(RS) at merit no.28 of panel dated 8.2.76 sent to Northern Railway. Candidate Ramesh

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Chandra Sharma having Roll. No. 2514 was not recommended by Railway Service Commission, Allahabad.

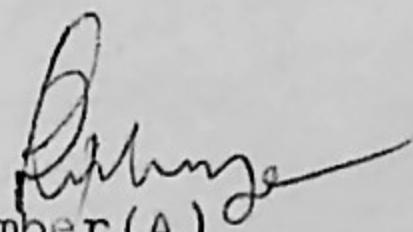
Shri Ramesh Chandra Sharma having roll no.3214 was issued a letter of appointment and was sent to him under regd. cover, but the aforesaid Sharma did not accept the offer and failed to report to Divisional Medical Officer, Northern Railway, Allahabad for medical examination by 20.5.76 and that is why there was no question of giving him an appointment. After several years the appointment cannot be given.

The counsel for the respondents was directed to produce the record. From the record it appears that Regd. 'AD' was sent to Ramesh Chandra Sharma on the address 45, Ashok Nagar, Allahabad but that letter received as unserved. It is not known whether infact it was despatched or it was returned back unserved or that it was refused. Although at the top it was mentioned that 'regd'AD' but no receipt of any document was there. It may be, there was mistake on the part of the Railway Administration and the candidates could not given information as yet he cannot be deprived of the future.

3. Accordingly, the respondents are directed to give an appointment to the applicant against any existing vacancy which may ~~exist~~ herein after treating him to be an appointee with effect from the due date but the applicant shall not be entitled to any back wages or any other benefits

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during this period as he has not worked during this period for which the Railway Administration is responsible. No order as to the costs.


Member (A)


Vice Chairman

Dated: 24th Nov: 1992

(Uv)