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Central Administrative Tribunal, Allahabad.

Registration O.A.No. 106 of 1988

S.C.Bajpai

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Applicant

Vs.

Union of India and others

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Respondents.

Hon.D.S.Misra,AM
Hon.G.S.Sharma,JM

(By Hon.G.S.Sharma,JM)

The applicant in this petition under Section 19 of the Administrative Tribunals Act XIII of 1985 is working as Compilation Clerk in the office of Divisional Medical Officer Northern Railway, Lucknow and has alleged that he along with other candidates had appeared in the written examination on 3.2.1985 for the post of Welfare Inspector and on being successful in the same, was also interviewed on 26.3.1985 by the Selection Board. In the panel declared on 1.4.1985, the name of the applicant did not find place and his grievance is that his result was withheld on the wrong ground that he did not have the lien in Lucknow Division and his lien was in the Delhi Division. He made representations but when no heed was paid, he filed this petition on 21.1.1988 for a direction to the respondents to declare his result and to include his name in the panel and also to give him appointment according to his seniority position.

2. The letter dated 28.10.1985 of DRM,Lucknow, copy annexure G, addressed to the General Manager Northern Railway states that the applicant, ^{who} continued to hold his lien in his parent cadre under the DRM Delhi and as he was selected for the post of Compilation Clerk in Family Planning, which is a temporary organization, he is not eligible for empanelment as Welfare Inspector. The General Manager did not agree with his view and he vide his letter dated 2.4.1986 informed the DRM Lucknow that the Family Planning Organization was made

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permanent by the Railway Board vide its letter dated 22.5.1982 and the claim of the applicant should be re-examined in this light. The applicant has alleged that despite his repeated representations, his case has not been re-examined and he has not been given his dues by the DRM Lucknow. The earliest representation made by the applicant in connection with his non-empalement was made on 8.5.1985. His claim is, therefore, not within limitation. We, however, feel that a great injustice is likely to be done to the applicant in case the respondents are allowed to take advantage of their own silence and inaction in the matter of the applicant. Instead of admitting the petition we, therefore, direct the respondent no.2 - DRM Lucknow to re-examine the case of the applicant in the light of the letter dated 2.4.1986 of the General Manager (P) Delhi and to dispose of the various representations of the applicant against his non-empalement by passing a speaking order within a period of 2 months from the date of receipt of this order. This case is disposed of finally at admission stage.

K. Bhargava
25.3.80

MEMBER (A)

A. Bhargava

MEMBER (J)

Dated 25.3.1988
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