

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

DATED: THIS THE 29TH DAY OF NOVEMBER, 1996

CORAM : Hon'ble Mr. S. Das Gupta AM
Hon'ble Mr. T. L. Verma JM

ORIGINAL APPLICATION NO. 729/90

Mahendra Kumar Singh son of Dulare Lal,
resident of 222-Chamangunj,
Sipri Bazar, Jhansi... .Petitioner

C/A Sri R. K. Nigam

VERSUS

1. Union of India through General Manager,
Central Railway, Bombay VT.
2. Divisional Railway Manager,
Central Railway,
Bhusawal... . Respondents

G/R Sri P. Mathur.

ORDER (ORAL)

By Hon'ble Mr. S. Das Gupta AM

This O.A. was filed under section 19 of the Administrative Tribunals Act, 1985, seeking direction to the respondents to issue posting order of the applicant as Commercial Clerk afresh.

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2. The case set out by the applicant in the O.A. is that he was selected for the post of Commercial Clerk and appointment order dated 28.6.1985 was issued to him. He, however, lost the appointment order and thereafter requested the respondent no. 2 to issue another copy of the said order. Thereafter, he visited the office of Chief Personnel Officer, Central Railway Bombay and was advised to contact the respondent no. 2. On finding no response from the respondent no. 2, legal notice dated 14.5.1990 was sent. Thereafter, in response to that notice, a letter dated 21.6.1990 was issued by the respondent no. 2 informing the applicant that he cannot be appointed on the post since he failed to join within the stipulated period and that he kept the single journey pass issued for joining on the working post.

3. The applicant has sought the aforementioned relief on the ground that the action of the respondent 2 is quite unfair and the same is tantamount to breach of Articles 14 and 16 of the Constitution and that there is no justification in cancelling the appointment by the impugned order dated 21.6.1990. He has also appealed for humanitarian consideration and social justice.

4. The respondents have filed counter affidavit in which it has been stated that the applicant was duly selected by the Railway Recruitment Board, Bombay for the post of Commercial clerk and accordingly appointment letter along with free journey pass covering his journey ex. Jhansi to Bhusaval was sent under office letter dated 28.6.1985, which was received by the applicant. In spite of this, he did not turn up to join the duty. Thereafter a legal notice dated 20.5.1990 was sent by the applicant.

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5. Respondents' case is that the applicant had remained absent for five years. Therefore, it was clear that he was not interested in accepting the appointment and that during the intervening period, he never contacted any authority of the respondents' department nor he made any representation or sought extension of time. This contention of the respondents has not been rebutted by the applicant as no rejoinder affidavit has been filed.

6. Admittedly, the applicant was given appointment letter, but he did not join the post in pursuance of the said order. Applicant's case is that he lost the appointment letter, therefore, he could not join the duty. This story does not appear to be convincing particularly in view of the fact that he made written representation only in 1990 through a legal notice. Respondents have denied the applicant's contention that he had earlier made personal contact with the authorities.

7. In view of the foregoing, we are satisfied that no case is made out and there is nothing for us to interfere. *The application is accordingly dismissed*
Parties shall bear their own costs.

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JM

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