

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ALLAHABAD BENCH ), ALLAHABAD.

O.A.NO.      OA 567 of 1990      OF 1990  
T.A.NO.

Date of decision : \_\_\_\_\_

.....Rajendra Prasad.....Petitioner

.....D. P. Gupta.....Advocate for the Petitioner

Versus

.....Senior D.P.O., N. Railway.....Respondent

.....Sri A. K. Grew.....Advocate for the Respondent (s).


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CORAM:-

The Hon'ble Mr. Justice V. C. Srivastava, V.C.

The Hon'ble Mr. A. B. Gauthi, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgment ? h
2. To be referred to the Reporter or not ? h
3. Whether their Lordships wish to see the fair copy of the judgment ? h
4. Whether to be circulated to all other Benches ? h

  
Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAHABAD BENCH.

Registration O.A. No. 567 of 1990

Rajendra Prasad ... .. Applicant.

Versus

Senior D.P.O., N. Railway  
and others ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant was appointed as Assistant Station Master in the year 1984. It appears that the applicant was directed to appear in medical examination and he was found medically unfit and that is why he was medically decategorised. On 30.8.1988, the applicant was informed by the respondent that screening committee has decided that the applicant can-not be appointed as clerk in the pay scale of Rs. 950-1500. The applicant made a representation stating therein that he was informed by a dealing clerk that the decision to appoint applicant as a clerk in pay scale of Rs. 950-1500 was taken by screening committee only because no post of senior clerk in the pay scale of Rs. 1200-2040 is fallen vacant. According to him, one post of Senior Clerk has been vacant and he may be given that post but the said post was not given to him. However, the applicant also stated in his representation that he is ready to work as Junior Clerk in the pay scale of Rs. 950-1500 but he may be assured by the administration that as and when it would be possible to appoint applicant as Senior Clerk in pay scale of Rs. 1200-2040, he will be appointed on priority basis. Accordingly, the applicant has given his consent on 5.9.1988. Notwithstanding the fact that <sup>he has</sup> ~~after~~ given the consent, the applicant has not been given appointment letter, with the result, ultimately,

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CQNTD ...2

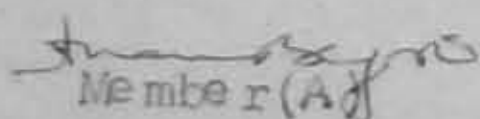


he has knocked the door of this Tribunal. ✓

2. The respondents in their reply have ~~been~~ stated & that as a matter of fact, a letter was sent to the applicant on 1.7.1988 offering the appointment of the applicant on the post of Junior Clerk at the scale of Rs. 950-1500 to which he refused <sup>with</sup> his application dated 26.8.1988. ✓


3. In the rejoinder affidavit, the applicant <sup>stated</sup> that he has never received the copy of the said letter, as such, there is no occasion for him to join the said post. The learned counsel for the applicant states that the applicant is willing to join the said post provided an appointment order is issued to him. It appears that both the parties are responsible for delay.

4. However, the respondents are <sup>now</sup> ~~not~~ directed to issue ✓ an appointment letter to the applicant within a period of one month and the applicant shall be allowed to join the duty. In case, the respondents will not issue the appointment letter within this period and will not allow the applicant to join the duty, it will be presumed that the applicant is on duty and he will be entitled for normal wages, taking into consideration the fact there was delay on both the parties. No back wages will be given because ~~because~~ ✓ of the applicant has not worked during this period and it will be difficult to say that only one party is responsible for the same. The application is disposed of with the above terms. Parties to bear their own costs.

  
Member (A)

Dated: 12.5.1992

(n.u.)

  
Vice-Chairman