

13

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 18TH DAY OF AUGUST, 2000
Original Application No. 1397/95

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MR.S.DAYAL, MEMBER(A)

Munim lal Sonkar, S/o Sri lala Prasad
Sonkar, resident of House No.11-B
Dariyabad, Post Office Kalyanidevi, Allahabad.

.. Applicant

(By Adv: Shri A.C.Tiwari)

Versus

1. Union of India, Ministry of Railway
New Delhi.
2. General Manager(Personnel)
Northern Railway, Head Office at Baroda
House, New Delhi.
3. Railway Recruitment Board
New Annexy Building, Divisional Railway
Manager Office, Northern Railway,
Allahabad through its Chairman.

.. Respondents

(By Adv: Shri Prashant Mathur)

O R D E R(Oral)

By Hon.Mr.Justice R.R.K.Trivedi, V.C.

This application u/s 19 of the A.T.Act, 1985 has been filed for a direction to the respondents to issue letter of appointment to the applicant for the post of English Typist in pursuance of the selection list and order dated 18.9.1989 and 20.9.1989 and 20.3.1990.

The facts giving rise to this application are that in pursuance of the advertisement dated 15.5.1987 inviting applications for the post of English typists in the pay scale of Rs.950-1500/-, applicant applied and he appeared in the selection test. His name was mentioned in the panel at sl.no.5. By letter dated 20.3.1990 applicant was informed about his selection and it was stated in the letter that the appointment letter shall be issued by the General Manager(P) and he should not make any correspondence with the office namely Railway Recruitment Board. The relevant para is being reproduced

below:-

" नियुक्ति पत्र महाप्रबंधक & कार्मिक & द्वारा ही समुचित समय पर आपको भेजा जायेगा । इस कार्यालय से इस सम्बन्ध में अब कोई पत्राचार नहीं किया जायेगा । "


There - after applicant has been waiting for the appointment order but he did not receive any communication from the respondents. Then he made representations, copies of which have been filed as (Annexures 9 & 10) As no action was taken by the respondents he approached the Tribunal by filing this application.

Shri prashant Mathur learned counsel for the respondents however, submitted that the post of English Typist was abolished and these posts were merged to the clerical cadre on 7.7.1992 and for this reason the applicant could not be given the appointment. We are not convinced with this submission. In normal course the applicant was entitled for appointment order after the letter dated 20.3.1990. The two years period was sufficient for this purpose. In any view of the matter even if the post was abolished and all the posts of Typists were merged with the cadre of Clerk he could be given appointment for the post of Clerk. The delay was solely on the part of the respondents and the applicant cannot be blamed for the same. In our opinion, the applicant is entitled for relief. The application is accordingly allowed. The respondent no.2 is directed to issue a letter of appointment to the applicant within a

15

:: 3 ::

month from the date a copy of this order is filed before
him. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 18.8.2000

Uv/

O/R

MA 5738/00 has been
filed by Shri P. Mathur Adv.

The same is (submitted)
for orders on 8/11/00.

V.V.
09/11/00

8.11.2000

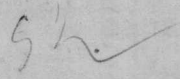
MA 5738/2000 in
OA No. 1397/95

Hon. Mr. Rafiq Uddin, JM

Hon. Mr. S. Biswas, AM

Sri R.C. Srivastava, holding brief for
Sri A.C. Tewari, counsel for the applicant and
Sri P. Mathur for respondents.

MA 5738/2000- by this application, the
counsel for the respondents has prayed for two
months' time to implement the order, passed in
O.A. MA is allowed and respondents are permitted
to comply with the order within two months from
today.


A.M.


J.M.