

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 730 of 2003

Allahabad this the 23rd day of July, 2003

HON'BLE MAJ GEN KK SRIVASTAVA, MEMBER A
HON'BLE MRS MEERA CHHIBBER, MEMBER J

Navin Chandra s/o Panna Lal,

R/o 5/303, Radha Kunj, Bara Bazar,

Debai, District Bulandshahr.

.. .. Applicant.

(By Advocate : Shri B K Srivastava)

Versus

1. Union of India, through Secretary, Ministry of Railway, New Delhi.
2. General Manager(Karmik), Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Ambala Cantt, (Haryana).
4. Principal, Regional Training Centre, Chandausi, District Moradabad.

.. .. Respondents.

(By Advocate : Shri A K Gaur)

O R D E R (Oral)

BY HON'BLE MRS MEERA CHHIBBER, MEMBER J

By this O.A. applicant has sought a direction for quashing of the orders dated 03-03-1999 and 09-09-1999 by which applicant was informed that he was sent for supplementary examination to Chandausi on 07-06-1995 but thereafter he never reported for his appointment, therefore,



at this stage he can not be given appointment as per rules (Page 14 & 15). Applicant has further sought a direction to the respondents to appoint the applicant as Assistant Station Master within a reasonable time specified by this Tribunal.

2. We have heard applicant's counsel and perused the pleadings as well.

3. It is submitted by the applicant that he could not report for duty for joining as Assistant Station Master after he passed in the supplementary test at Chandausi because there had been bereavement in his family and he was himself also sick. Therefore, after getting well, he gave an application to the authorities to permit him to join as Assistant Station Master but his request was not acceded to by the impugned orders. However, he again gave his representation which has duly been forwarded to the General Manager(P) by the office of D.R.M., Ambala (Page 40). Learned counsel for the applicant has also submitted that there are cases where the General Manager has condoned the delay and permitted ^{other B} ~~him~~ to join as Assistant Station Master after period of 2 years which is evident from Page 32 & 34. However, perusal of page 34 shows that Shri DK Daharia had submitted his fitness certificate from Medical Officer as he was sick. It was keeping in view his sickness and the medical certificate annexed by him that he was given appointment after sometime, but in the present case applicant has neither given any such certificate to the authorities, ^{he B} nor has annexed the same. Even in the present O.A. All that he has said in his representation is that his father and younger brother had died and thereafter he was sick himself, but neither he has given any date as to when his ^{father B} brother died nor he has annexed any Medical certificate about his own sickness as mentioned above. Therefore, this representation is absolutely vague and is not substantiated by any



document. Even otherwise, it is seen that his case for giving him joining was rejected by the impugned orders dated 03-03-1999 & 09-09-1999 and even the representation ~~which~~ was recommended by the D.R.M. dated 13.7.1999, but even from that date applicant did not take any concrete steps to pursue his case for appointment and he has filed the present O.A. ^{only by} on 04-07-2003. *which clearly shows he was not serious in getting the appointment.*

4. Admittedly applicant had passed his supplementary test at Chandausi in the year 1995 and thereafter he did not ~~x~~ report for being appointed on the post of A.S.M.. There is no document on record to show that he had either reported or had even intimated the department about his difficulties in joining the post immediately thereafter. In these circumstances, naturally, department could not have waited for the applicant indefinitely and they would have given appointment to the next selected candidate. It is also relevant to note here that these selections were carried out pursuant to the direction given by the Hon'ble Supreme Court. Therefore, it was necessary for the department to complete the process and give appointments to those candidates who were selected and were interested in joining the post.

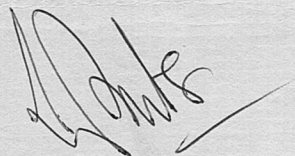
5. In view of the above discussion we do feel that applicant was not seriously interested in joining the post as he ~~did not take~~ ^{he} his own time in giving the representations and even in approaching Court after a delay of over 4 years from the date when his request was not acceded. ^{to B} Therefore, looking at the conduct of the applicant, we do not find it to be a fit case for interference by the Tribunal. Accordingly, this O.A. is dismissed. However, in case the vacancy is available ^{B considerate} and respondents are ~~considered~~ enough and feel that they can accommodate the applicant in accordance with rules as Assistant Station Master, Our order would not come in the way.

6. O.A. is ~~dismissed~~ ^{dismissed} with no order as to costs

6. O.A. is accordingly dismissed with no order as to costs.



Member J



Member A

Brijesh/-