

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 750 OF 2003
ALLAHABAD THIS THE 23RD DAY OF JULY, 2003

HON'BLE MAJ. GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Mahendra Kumar Ojha,
aged about 35 years,
son of Shri Babu Lal Ojha,
resident of house no. 138,
Narsingh Rao Toriya,
Jhansi. Applicant

(By Advocate Shri R.G. Soni)

Versus

1. Union of India,
through General Manager,
North Central Railway,
Allahabad.
2. Chief Personnel Officer,
Central Railway,
Mumbai CST.
3. Chairman,
Railway Recruitment Board,
Divisional Office Compound,
Western Railway,
Mumbai Central. Respondents

(By Advocate Shri K.P. Singh)

ORDER

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

By this O.A. applicant has sought the following
reliefs:-

"i) to issue a writ, order or direction in the nature



of mandamus thereby commanding the respondents to issue appointment order in favour of the petitioner to the post of SAROFF in grade Rs.3050-4590/- (RSRP) from retrospective effect i.e. the date when his other counterparts were so appointed with all consequential benefits, for which a time bound direction is solicited;

ii)to issue any other suitable order in favour of the humble petitioner as deemed fit by this Tribunal in the facts and circumstances of the case;

iii)to award cost of the petition in favour of the humble petitioner."

2. It is submitted by the applicant that Railway Recruitment Board Mumbai advertised and invited application against 12 posts of SAROFF in the grade of Rs.1200-2040/- in January 1997. Since applicant applied he was called to appear in written examination alongwith other candidates held on 15.10.2000 by assigning him Roll No.3200050 (Annexure A-1). He qualified the written test as per result dated 24.10.2000 (Annexure-A-2) and he called for viva-voce test to be held on 4.01.2001 by assigning him Roll No.16. He appeared in the viva-voce test also and successfully qualified the same. But against the Roll number a remark was written, 'result withheld for further enquiry'. Result is annexed as Annexure-A4.

3. It is submitted by the applicant that he personally visited the office of Railway Recruitment Board Mumbai on 4.10.2001 and deposited the photostat copy of the High School certificate duly attested as called from in order to avoid any further delay. But inspite of it he was not being issued the appointment letter, therefore, he gave his representation to Railway Recruitment Board on 01.11.2001 followed by a reminder dated 5.12.2001 and legal notice dated 19.3.2002 (Annexures-A-5,A-6 and A-7).

4. It is further submitted by the applicant that Railway



Recruitment Board Mumbai took about 20 months in completing the enquiry and finally released his result by declaring him as selected for the post of SAROFF (Annexure A-8). This result was issued in the months of November 2002.

5. Grievance of the applicant in this case is that inspite of it till date he has not been given the appointment even though all those persons who were selected with him in the main result have already been given the appointment. and inspite of letter dated 27.09.2002 wrote by the Railway Recruitment Board Mumbai to the Chief Personnel Officer, Central Railway Mumbai, assigning him to issue the appointment order in favour of applicant (Annexure A-9). Therefore, applicant gave yet another representation on 12.01.2003 to the Chief Personnel Officer requesting him to issue the appointment letter but till date he has not been given any reply thereto (Annexure A-10). Finding no other remedy applicant had to file the present O.A.

6. We have heard counsel for the parties and perused the pleadings as well.

7. We do feel that there is some substance in the grievance made out by the applicant because inspite of letter issued by the Railway Recruitment Board Mumbai to the CPO as back as on 27.09.2002, till date neither any appointment letter has been issued in favour of the applicant nor any of his representation has been replied by the authorities concerned. Though counsel for the respondents was seeking time to file reply to the O.A, but we do not think it necessary to call for a reply at this stage as that would unnecessarily delay the matter, therefore, we are deciding



this O.A at the admission stage itself by giving a direction to the respondent no.2 to apply his mind to the representation dated 12.01.2003 annexed with this petition as Annexure A-10 as well as the legal notice dated 19.03.2003 annexed to the petition as Annexure A-11 and to pass final order thereon in accordance with law within a period of two months from the date of receipt of a copy of this order under intimation to the applicant.

8. With the above directions, this O.A is disposed off with no order as to costs.



Member-J



Member-A

/ Neelam/