

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A.NO. 377 OF 1991
~~T.A.NO.~~

DATE OF DECISION 10.3.98

Bhikhabhai Fullabhai & Ors. Petitioner s

Mrs. K.V. Sampat, Advocate for the Petitioner [s]
Versus

Union of India & Ors. Respondent s

Mr. N.S. Shevde Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, vice Chairman.

The Hon'ble Mr.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ~
- 2, To be referred to the Reporter or not ? ~
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ~

1. Bhikhabhai Fullabhai
Rly Retired Workman of
Godhra Hindu Inhabitant,
Occ: Service Resisting at
the Care of Jitendra K. ved,
Rly Colony, G.L. Yard,
Q.406/B, Godhra
Panchmahal - 389 001.
2. Chandulal Bhikhabhai(unemployed)
Hindu Inhabitant Aged: 25 years,
Residing with Applicant No.1
as dependent.

.... Applicants

(Advocate: Mrs. K.V. Sampat)

versus

1. Union of India representing
General Manager, W. Rly.,
Fort, Opp: Churchgate Station,
Bombay - 1.
2. Divisional Rly. Manager,
Pratapnagar W. Rly.,
Vadodara - 4.
3. The Sr. Divl. personnel Officer,
W. Rly., Rly Yard,
Pratapnagar, Vadodara.

.... Respondents

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 377/91

Date: 10.3.1998

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

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The applicant No.1 retired from Railway service after putting in number of years service. He contends that he discharged his duties loyally as a Government employee during the Railway Employees General strike in 1974. He refers to the letter of the Railway Administration dated 8.7.74 as at Annexure A-3 which provides for grant of employment to only one son or one daughter to be considered subject to the 20% of the vacancies

in respect of loyal employees. He says that in the light of this circular his son who is applicant No.2 should be given a job as a peon without undergoing any selection process. He accordingly submitted a representation dated 20.2.90 as at Annexure A-2 which was rejected by the Department by their letter dated 8.3.90 as at Annexure A-1. This rejection is challenged in the present O.A.

2. I have heard Mr. Shevde, the learned Standing Counsel. Mrs. Sampat, the learned counsel for the applicants is not present today, even though a notice was issued intimating that the matter is coming up today for final hearing and this has been duly acknowledged by her. In the circumstances I propose to dispose of the O.A. on the basis of materials on record and with the assistance I have received from Mr. Shevde.


3. The main ground urged in support of the O.A. is that the letter dated 8.7.74 as at Annexure A-3 does not lay down any time limit for employment and the first applicant says that his son was a minor in 1974 and submitted a representation on 20.2.90. Mr. Shevde does not agree that there is no time limit for extending the award for 1974 and draws attention to the Railway Board circular dated 16.12.76 as at Annexure R-1 and also the decision of the Gujarat High Court. In the various representation the date of birth of the applicant was not mentioned. I find from the O.A. that the second applicant is shown as 25 years of age when the O.A. was filed in February 1991. If so, the second

applicant would have attained 18 years of age some time in 1984 and 21 years of age in 1987. No explanation is given as to why there has been a delay of so many years before the matter was taken up for the first time on 20.2.1990.

That apart, I see no merit in the contention that the letter of 8.7.74 can be operated for all time to come. As stated by Mr. Shevde the letter of 16.12.76 as at Annexure R-1 to the reply statement makes it clear that there was a time limit for grant of employment which had expired and that the power to grant award stood withdrawn from 30.4.76. Mr. Shevde states that the matter was considered by the Hon'ble High Court of Gujarat in an identical issue and the High Court had also held that there was such a time limit. Besides, the letter dated 16.12.76 as at Annexure R-1 is quite clear.

4. Mr. Shevde also draws attention to the fact that the applicant was working as a peon in the Railway School and during the period of the strike, the school had remained closed for vacation.

5. In the circumstances I hold that the O.A. is devoid of merit and dismiss the same. No costs.


(V. Ramakrishnan)
Vice Chairman