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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 292 OF 1988.

Date of decision: 29th October, 1990.

B. Appa Rao

: Applicant

Versus

Union of India and others

: Respondents

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For the applicant

: M/s C.V. Murty,  
C.M.K. Murty,  
S.K. Rath,  
Advocate

For the Respondents

: Mr. L. Mohapatra

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C O R A M:

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reportess of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the reportess or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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J U D G M E N T

N.SENGUPTA, MEMBER (J),

The applicant has prayed for employment Assistance to his Son on account of he having been a loyal worker during the strikes of 1974 and 1981.

2. The case of the applicant is that he joined as a Class-IV employee under the South Eastern Railway in March, 1943 and he ~~required~~ <sup>retired</sup> as a Safety Counsellor (Mech) on 30.11.1986. He had earned some recommendation for his good work. He had not joined the Railway strike of 1974. The Railway Administration decided to employ a son or daughter of a loyal worker who did not participate the strike of 1974. After the strike was over, he made an application for employing his son in a Class-IV post. But that representation was not accepted. There was again a strike by Railway employees in 1981, and during that strike he (the applicant) also remained a loyal employee of the Railway Administration. Again representations were made by the applicant for employing his son in a Class-IV post but inspite of recommendations, his request for employing his son has not been acceded to and he received a reply vide Annexure-10 dated 15/17.9.1987 stating that as he was not to retire within three years from the strike of 1981, he did not <sup>- qualify -</sup> ~~clarify~~ for having a son or daughter to employ into the Railway. Thereafter he again moved the Railway authorities when the Additional General Manager wrote to the Divisional Railway Manager, South

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Eastern Railway, Khurda Road for rectifying the mistake by obtaining sanction of the appropriate authority for employment assistance or for granting of advance increment as may be deemed fit, this was on 28.9.1987. Subsequently, ~~that~~ he made another representation to the Additional General Manager (Operations) on 17.11.1987 which had not been replied to by the date of filing of the application. On these allegations the applicant has prayed for employment assistance or for grant of an advance increment as a loyal worker.

3. The Respondents in their counter have stated that so far as 1974 strike was concerned only such of the persons who were due to retire within a period of five years from 8.5.1975 were entitled to the benefit of employment assistance and not others, since the applicant was to retire 12 years after that date, he could not be given the relief of employment assistance. Their ~~is~~ further case is <sup>- that -</sup> for 1981 strike the applicant received a Cash award of Rs. 100/- and that was one of the benefits to be given to a loyal worker who did not join ~~from~~ <sup>the</sup> 1981 strike. Therefore, the present application is misconceived. .

4. We have heard Mr. C.V. Murty, learned Counsel for the applicant and Mr. L. Mohapatra learned Counsel ~~for~~ {Railway Administration} for the Respondents. The applicant has averred that some persons similarly situated as he ~~were~~ given employment assistance by appointing their

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children. Therefore, by refusal of the employment assistance to him, a discrimination has been made. The applicant has filed a list showing the names of the persons who got such assistance and the Respondents ~~were~~ <sup>were</sup> asked to produce documents concerning those persons. The Railway Administration has produced a service sheet of the applicant but not the documents relating to the others named in the list filed by the applicant. On a perusal of the service sheet of the applicant produced by the Railway Administration it appears that a cash award of Rs. 100/- to the applicant was recommended for his devotion and sincere service for which a certificate was enclosed. The Railway Administration has not produced what any certificate to know/exactly was the recommendation. Mr. Murty has urged that infact the cash award was not for his loyalty to the Railway during the 1981 strike but for ~~the~~ <sup>the</sup> ~~sincerety~~ <sup>sincerity</sup> of his work during the service career, Therefore, the contention of the Railways cannot be accepted. As we have indicated above, the endorsement in the service book of the applicant does not make any reference to any Railway Strike. Therefore, we are not in a position to <sup>know</sup> ~~was~~ if really the cash award was a benefit to a loyal worker during that strike or for good work. The Railway Administration has not come forward to deny that employment assistance were given to the five persons named in the list filed by the applicant on 8.8.1990 of which notice was given to it.

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In this circumstances, we would direct the Railway Administration to consider the representation of the applicant for appointment <sup>of</sup> his son in a Class-IV job.

5. This case is accordingly disposed of. No costs.

*Amrinder* 29/10/90  
.....  
VICE-CHAIRMAN



*Hea Singh* 29.10.90  
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MEMBER (JUDICIAL)