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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.221 OF 1994

Cuttack, this the 5th day of November, 1997

Shri B.G.M.Murali Rao ...

Applicant

Vrs.

Union of India and others ...

Respondents

FOR INSTRUCTIONS

1) Whether it be referred to the Reporters
or not? Yes.

2) Whether it be circulated to all the
Benches of the Central Administrative
Tribunal or not? No.

Somnath Som.
(SOMNATH SOM) 5.11.97
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.221 OF 1994

Cuttack, this the 5th day of November, 1997

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

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**
Corrected vide
order no.16
dt.24.11.97.

Shri B.G.M.Murali Rao,
35=years 42 years,*
son of Shri B.N.Rao,
Retired Driver, Grade-A,
Hatbazar, Khurda,
PO-Jatni, Dist.Khurda

Applicant.

Vrs.

1. Union of India, represented through
its General Manager, South Eastern Railway,
Garden Reach,
Calcutta-41.

2. The Chief Personnel Officer,
South Eastern Railway,
Garden Reach,
Calcutta-41.

3. The Divisional Railway Manager,
Khurda Road, PO-Jatni,
District-Khurda

Respondents.

Advocates for applicant - M/s A.K.Misra,
S.K.Dash,
S.B.Jena,
A.K.Guru,
B.B.Acharya &
J.Sengupta.

Advocate for respondents - Mr.L.Mohapatra.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of

Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondents to appoint him to any post under them taking into consideration the circular issued by the Railway administration with regard to the loyal Railway servants who had not participated in All India Railway Strike. There is also a prayer for a direction to the respondents to appoint the applicant as per interview/selection conducted on 20.11.1974 vide Annexure-2. The facts of this case fall within a small compass and can be briefly stated.

2. The applicant is the younger son of B.N.Rao, retired Driver, Grade-A, in S.E.Railway. The applicant's father had not participated in the All India Railway Strike held in August 1973. Because of his non-participation in the Railway strike he got a letter of appreciation on 18.8.1973, which is at Annexure-1. According to the applicant, the Railway authorities issued a circular that those employees who had not participated in the above strike, would be given incentive, or in the alternative employment assistance would be given to their sons and daughters. According to the applicant, his father opted for

*Somnath Jum
5.11.97*

employment assistance to his son, the present applicant. On 12.11.1974 a letter was sent by the Divisional Personnel Officer to the father of the applicant directing his son, the present applicant, to appear at a suitability test to be held on 20.11.1974. This letter is at Annexure-2. The applicant appeared at the selection test along with others and his case is that while some others were given appointment, he was not given any appointment. On the above grounds, the applicant has come up in the present petition with the aforesaid prayers.

3. Respondents in their counter have pointed out that in the year 1974 there was a strike in the Indian Railways, which was known as "May 1974 strike". To reward the workers, who did not take part in the strike, the Ministry of Railways decided in order dated 29.5.1974 (Annexure-R/1) to provide reward to the loyal workers through (a) employment of their wards in Railway jobs; (b) extension of service or re-employment in suitable cases; (c) hard duty allowance; and (d) grant of advance increments. It was mentioned in this circular at Annexure-R/1 that a loyal worker could get only one of the above

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facilities. Respondents have pointed out in their counter that the applicant's father was given advance increment and as such he is not entitled to any other reward like employment assistance to the son. On the above grounds, the respondents have opposed the prayers of the applicant.

4. I have heard the learned lawyer for the applicant and the learned counsel appearing on behalf of the respondents and have perused the records.

5. Learned lawyer for the applicant besides stating the applicant's case as above, also submitted that his father had served the Indian Railways for 40 years loyally and even at the risk of his life he had joined duty during the period of May 1974 strike. After retirement and death of the applicant's father the family is in financial difficulty and that also should be a consideration for the Railways to consider the applicant for any suitable job. Learned counsel appearing on behalf of the respondents has produced the Service Book of the applicant's father and from the Service Book, I find that the applicant's father was actually sanctioned an advance increment raising his pay from Rs.610/- to Rs.630/- with effect from

*Jonnath Sam
5.11.92*

1.6.1974. In the Service Book, it has been specifically mentioned that the advance increment has been granted because of his loyalty during the strike of May 1974. From this it is clear that the applicant's father has got one of the rewards envisaged by the Railway Ministry in their circular at Annexure-R/1. As only one reward was envisaged for a loyal worker, his son, the present applicant is, therefore, not entitled to any employment assistance on the ground of non-participation of his father in the above strike. In view of this, the first prayer of the petitioner is held to be without any merit and is rejected.

*Somnath Jum
5/11/97*

6. As regards the second prayer, the applicant did receive a notice for appearing at a selection test vide Annexure-2. But that was on 20.11.1974. He cannot hope to get an employment under the Railways on the basis of the same interview. Learned lawyer for the applicant strenuously urged that the financial condition of the petitioner's family is very difficult. It is also a fact that the applicant's father has served the Railways loyally for 40 years. In consideration of that, even though the applicant has no claim for any employment under the Railways, the Railway authorities may consider giving

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him an employment on his filing a representation before respondent no.3. As the applicant's father had passed away after retirement, the applicant is not entitled to a compassionate appointment. He may, however, represent to respondent no.3, and respondent no.3 should consider his representation and pass such orders as he may deem fit taking into the loyal services rendered by the applicant's father to the Indian Railways. The representation of the applicant should be filed within 15 (fifteen) days from the date of receipt of copy of this order and the same should be disposed of by respondent no.3 within a period of three months thereafter.

7. With the above observation and direction, the application is disposed of. No costs.

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(SOMNATH SOM)
VICE-CHAIRMAN *S.11.97*

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