

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.339 OF 1998
Cuttack this the 16th day of April, 1999

(PRONOUNCED IN THE OPEN COURT)

Sri Akinchan Acharya

Applicant(s)

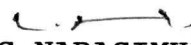
-Versus-

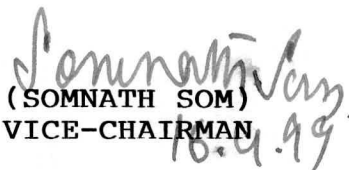
Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes.*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No.*


(G.NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN
16.4.99

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 339 OF 1998
Cuttack this the 16th day of April, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

...

Sri Akinchan Acharya,
aged about 25 years,
S/o. Krushna Mohan Acharya,
At: Basantpur,
PO: Genguti, Dist: Balasore

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Applicant

By the Advocates : M/s.S.K.Patri
S.K.Sahoo

-Versus-

1. Union of India represented through
Divisional Railway Manager,
S.E.Railways,
At/PO:Jatni, Dist: Khurda
2. Senior Divisional Personnel Officer,
S.E.Railways, Khurda Road,
At/PO: Jatni, Dist: Khurda
3. Asstt.Personnel Officer,
S.E.Railways,
Khurda Road,
At/PO:Jatni, Dist: Khurda
4. General Manager, S.E.Railway
Garden Reach, Calcutta-43

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Respondents

By the Advocates : Mr.C.Kasturi,
Addl.Standing Counsel

...

S. Som.

ORDERMR. SOMNATH SOM, VICE-CHAIRMAN:

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondents to give him appointment in a Group C post. For the purpose of disposing of this Original Application, it is not necessary to go into too much ^{of the} facts of this case. The admitted facts of this case are that the petitioner's father was working as Senior Gangman. He was declared invalid and medically decategorised. Because of this he sought voluntary retirement. After retirement he also applied for compassionate appointment to his son, the present applicant before us.

2. The respondents have filed their counter in which they have indicated that applicant has the necessary qualification, being a Graduate for being considered for Group C post. Accordingly the applicant was called for attending the suitability test for appointment to a Group C post on compassionate ground and the selection was conducted by a panel of Officers. According to respondents in the selection the applicant was found unsuitable for appointment to a Group C category and "without any prejudice as per his eligibility" an offer of appointment in a Group D category was given to the applicant. The applicant, however, did not accept the Group D post and made a representation for reconsideration of his case. Having been unsuccessful in that, he has come up in this application with the prayers referred to earlier.

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3. We have heard Shri S.K.Patri, learned counsel for the petitioner and Mrs.C.Kasturi, learned Addl.Standing Counsel appearing for the respondents and have also perused the records. It is submitted by the learned counsel that the petitioner, on his advice approached the departmental authorities to join in the Group D post, but he was not allowed to join on the ground of having filed this Original Application before the Tribunal. As the offer of appointment has been made to the applicant for a Group D post, the respondents are directed to allow the applicant to join the said group D post, if the same is still vacant. Learned counsel for the petitioner has submitted that the applicant is a Graduate and many persons who are only Matriculates have been considered and given offer of appointments in Group C posts. It is not necessary for us to consider this aspect of the matter beyond saying that the applicant having joined in Group D post will be free to apply for the post of Group C, which may fall vacant and at that time^{and} his case for appointment to Group C post will be considered strictly in accordance with rules.

With the above direction the Original Application is disposed of, but without any order as to costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
16.9.19