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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.184 of 2003
Cuttack, this the 86th of May' 2005

Sukanti Pani

..... Applicant

- versus -

Union of India & others

..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not ? *ts*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *ts*

(B.N.SOM)

[Signature]
(B.N.SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 184 of 2003
Cuttack, this the 6th day of May, 2005

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

....

Sukanti Pani, aged about 25 years, w/o. late Basanta Kumar Pani, Village: Nischanta, P.O. Bariha, P.S. Simulia, Dist: Balasore.

..... Applicant

Advocates for the applicant

..... M/s. Dillip Roy
A.K. Jethy

Versus-

1. Union of India represented through its General Manager (P), S.E.Rly, Kolkata, At: Garden reach, Kolkata-43, West Bengal.
2. Divisional Security Commission, S.E.Rly., Khurda Road, At/P.O. Khurda Road, Dist. Khurda, Orissa.
3. Divisional Manager (P), S.E.Rly., Division, Khurda Road, At/P.O. Khurda Road, Dist. Khurda, Orissa.
4. The Commanding Officer No. 5 BN/RPST, Tiruchchirappalli, At/PO/Dist-Tiruchchirappalli, Tamil Nadu.

..... Respondents

Advocates for the Respondents

..... Mr. P.C. Panda

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O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN:

This O.A. has been filed by Smt. Sukanti Pani w/o. Late Basanta Kumar Pani, former constable of Railway Protection Service Force (RPST in short). She has prayed for the following reliefs;

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- a. The applicant may be given appointment under Gr. 'C' category instead of GR. 'D' category.
- b. The representation vide Annexures-7, 8, 9 & 12 series may be disposed of within a stipulated period with a speaking order.
- c. And pass such other order/order(s) deemed fit and proper."

2. The admitted facts of the case are that the applicant, widow of the deceased Railway servant was offered an employment under re-habilitation Scheme in Group D category under Commercial Department of Khurda Road by the letter of Divisional Railway Manager dtd. 28.9.2000. The grievance of the applicant is that the post offered to her is one of "Safaiwala". The applicant had represented to the DRM (Personnel) to give her an appointment in Group 'C' cadre and, if that was not feasible, to offer a post of Khalasi or Peon in Group 'D'. She, further, stated that her representation has not been considered favourably and she is in utter penury at present.

3. The Respondents in the counter reply have taken stand that the duly constituted Selection Committee did not find the applicant fit for appointment against Group 'C' post, and, had, therefore, recommended a Group 'D' post for her. They have also stated that mere possessing higher educational qualification by itself does not entitle a candidate for a corresponding higher post because 'the candidate must possess ability and potential' to hold the said post.

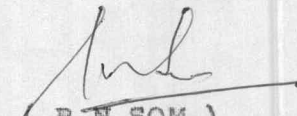
4. Without going into the further details of the matter it would suffice to note that the applicant was

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selected for a Group 'D' appointment and an order to that effect was notified vide Annexure-5 wherein it was disclosed that she had been waitlisted for absorption in Group 'D' category. However, in their next order dtd. 12.10.2000, the order of appointment was given against a post of Safaiwala. The applicant in her application has explained that she was not against accepting any appointment in Group 'D' category in case she cannot be accommodated in a Group 'C' vacancy in spite of her educational qualification. Only that she may be given any Group 'D' appointment either as Khalasi or as Peon instead of Safaiwala. The request made by the applicant is not unreasonable and it does not tantamount to refusing the offer.

5. In the conspectus, I direct the Respondents to consider the case of the applicant afresh and accommodate her in a Group 'D' vacancy either as a Khalasi or as a Peon or as a Messenger. The formalities regarding appointment of the applicant should be completed within a period of 150 days from the date of receipt of this order.

6. With the above direction this O.A. is disposed of. No costs.


(B.N.SOM)
VICE-CHAIRMAN

SAN/