

NOTES OF THE REGISTRY

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On. D. 24.8.04

Copies of the
application
prepared for counsel
for left side.

ORDER DATED 24.08.2004.

This Original Application has been filed by Sri R.R.Srinivas, praying for a direction to the Respondents to issue posting order in his favour as A.C.Coach Attendant in the South Eastern Railway of Khurda Road Division. His case is that he was a Trained Apprentice at Palasa Locoshed. By order of the General Manager of the South Eastern Railway, dated 08.09.1998 it was decided to absorb the trained apprentices numbering 48 in Khurda Road Division as substitute in Gr.D posts after due screening. Applicant was also screened and medically examined on 31.12.1998. Thereafter, he fell sick, according to his statement, and remained away from 25.5.1999 to 30.11.2000. After recovering from his illness, he approached the Divisional Railway Manager, of Khurda Road Division with medical certificate for issue of formal appointment order. Although he waited for receipt of appointment letter he never received anything from him. Therefore, by filing this Original Application he has sought for the reliefs referred to above.

Respondents have opposed the grievance of the applicant on the ground that the Applicant although was given an appointment as A.C.Coach Attendant at Puri on substitute basis against day to day casualities in the scale of Rs.2550-3200/-

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he did not take-up the said appointment. However, when he reported subsequently to the office of the Senior Divisional Personnel Officer with an application dated 5.1.2001 stating that due to his illness he could not join his duty offered to him earlier and requested the authority to allow him to join now as he was medically fit. His application was duly processed by the O/O the Senior Divisional Personnel Officer, Khurda Road of the South Eastern Railway and the matter was put up to the D.R.M. for his approval to his appointment at a belated stage. However, the DRM did not approve the said proposal and therefore, he has not been offered any appointment.

We have heard, learned counsel for both sides and perused the materials placed on record.

It is not denied by the Applicant that he was offered appointment as A.C. Coach Attendant as a Substitute in Gr.D on day to day casual work but he could not join in time. He had taken the ^{had} plea that he ~~was~~ fallen sick and therefore, he was away for over one year and seven months. This period of his absence with the reasons for his absence was considered by the Sr.DPO and thereafter, by the D.R.M. By producing a copy of the internal note dated 13.5.02, learned Counsel for the Respondents has brought to our notice that the DRM had rejected the prayer for relaxation of time limit for joining

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in duty of the applicant on the ground that the applicant did not bother to join as per the posting order issued in the year 1999 within a reasonable period and therefore, it was not a fit case for giving his approval. As the competent authorities have taken a conscious decision taking into consideration all facts and circumstances of the matter, we find no ground to interfere in the present O.A. Accordingly, this O.A. is rejected. There shall be no order as to costs.

Yash
(Manoranjan Mohanty)
Member (Judicial)

John
(P.N. SEM) 24/8
Vice-Chairman