

for Hearing.

2/7/04

Bench

On. 27. 12. 04

Copies of order  
prepared for  
Counsel to  
both sides.

Sh. G. J.  
S. G. J.

DA 89/02  
for this purpose. Accordingly, fine is allowed to the Respondents with direction to make all efforts to rehabilitate an ex-serviceman who is waiting for a job for such a long time. Call on 5.7.04.

Send copies of this order to the applicant and to all the Respondents.

by  
Vice Chairman

(  
Members)

Order dated:- 12.07.04

This O.A. has been filed by Sri Prasanta Kumar Patnaik who is an ex-serviceman and who had applied for appointment for as Apprentice Diesel/ Electrical Assistant. However he was not finally offered appointment on the ground that he was medically unfit for the said post in the scale of Rs. 950-1500 although <sup>he was</sup> selected and recommended for appointment by Railway Recruitment Board

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(in short RRB) Secunderabad on 23.11.96.

His grievance is that without considering his case for appointment in an alternative post, the Respondents had advertised once again vacancies in Technical categories (Technician Gr.III, Electrical having reservation for ex-servicemen).

He has also submitted that after his repeated representations submitted to the Hon'ble Railway Minister during the years 1997, 1998, 1999, 2000 and 2001, the last one being sent on 22.01.01. He received a reply from the office of General Manager of South Central Railway dated 29.11.2000 that his case was under examination and he would be considered, subject to available to of vacancies. However, no concrete action has been taken by the Respondents to offer him a suitable job. It is with this grievance that he has approached the Tribunal to direct the Respondents to consider his case of appointment in any post befitting his qualification/proficiency within such time as the Tribunal would deem fit and proper.

The Ld.Counsel of the Applicant has repeatedly drawn our notice to Railway Board's letter Number 99/E(RRB)/25/12 dated 20.08.99 wherein the Railway Board has authorised the General Managers to consider the cases of candidates who fail in the prescribed medical examination after empanelment by RRB for their appointment in alternative category subject to fulfilment of the prescribed

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medical standard, educational requirement and other eligibility criteria for the post in alternative category.

The Respondents have admitted the facts of the case. The Respondents have already communicated the decision of the General Manager, South Central Railway to the Applicant that his case would be considered for appointment, once the vacancy will be available and he would be medically fit for that category of post. That decision was communicated to him on 29.11.2000. About 4 years have passed since then. Also the Ld. Standing Counsel for the Respondents have submitted that the concerned Railway Administration by filing a copy of the letter received from the office, General Manager(P) dated 28.06.04 has reiterated their commitment to offer suitable alternative appointment to the Applicant. But the whole matter has been held up on account of non-availability of the RRB application of the candidate(the applicant) which was returned back to Chairman, Railway Recruitment Board, Secunderabad. There is no doubt that a very important document is wanting. But that can not be allowed to hold up the appointment of an ex-serviceman for years together.

The Respondents have asked for 4 month's time to complete all the formalities in this regard. As the matter is pending since 1996 and this is a matter concerning an ex-servicemen who had dedicated prime

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years of his life in the service of the nation to maintain integrity and freedom of our country, it is high time that he is given relief without further delay. Having regard to these circumstances of the case we therefore hereby direct the General Manager, South Central Railway to complete all formalities by 31.08.04 and to ensure that the Applicant is able to take up his job before 30.09.04 after completing all the formalities.

This O.A. is disposed of accordingly with the above instructions. No costs.

*Ansari*  
VICE - CHAIRMAN 197

*S. C.*  
MEMBER (J)