

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.599/97

Wednesday this the 30th day of April, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.G. Vijayakumar,  
S/o late M.K.Gopi,  
residing at Meladathu House,  
Near Railway Gate,  
Thammanam PO, Kochi.17. .. Applicant

(By Advocate Mr.T.C.Govindaswamy)

Vs.

1. Union of India represented by the  
General Manager,  
Headquarters Office,  
Southern Railway, Park Town PO,  
Madras.3.
2. The Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Park Town PO, Madras.3.
3. The Divisional Railway Manager,  
Southern Railway, Trivandrum Division,  
Trivandrum.14.
4. The Divisional Personnel Officer,  
Southern Railway, Trivandrum Division,  
Trivandrum.14. .. Respondents

(By Advocate Mr.James J Nedumpara for Mathews J Nedumpara)

The application having been heard on 30.4.1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, son of late M.K. Gopi who died in harness applied for appointment to a Group 'C' post on compassionate grounds. He is a matriculate. He was called for a suitability test and he was found not suitable to hold a Group 'C' post. Against this the applicant made a representation on 26.12.96 to the second respondent. Thereafter he was offered a Group 'D' post by the order dated 10.1.97 at Annexure-5 indicating that he should

report forthwith for appointment if he was willing to accept the post. On receipt of that the applicant made a representation (Annexure-6) to the Sr. Divl. Personnel Officer on 21.1.97 referring to the representation submitted by him on 26.12.96 and requesting that till the matter was decided by the second respondent he may be given time to accept the offer made in A-5. Finding no response to this representation the applicant has filed this application. The applicant's case is that the respondents have adopted an illegal method of fixing 60% as the mark for adjudging suitability. This is not in consonance with any of the rules in regard to selection and appointment to Group 'C' post. The applicant has, therefore, filed this application seeking to have the A-3 order quashed and for a direction to respondents to consider the applicant for appointment against a Group 'C' post commensurate with his educational qualifications.

2. When the application came up for hearing the learned counsel for the applicant stated that the applicant would accept the offer made in A-5 without prejudice to his claim for appointment against a Group 'C' post made in his representation A-6 and that the application may be disposed of if agreeable to the other side with a direction to consider his representations Annexures A4 and A6 within a stipulated time frame. Learned counsel for the respondents states that the offer made in Annexure-5 is still valid and further action in regard to the appointment of the applicant on a Group 'D' post will be made and that the representations A-4 and A-6 of the applicant would be disposed of by the respondents within a reasonable time to

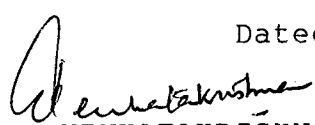
be fixed by the Tribunal and that the appointment of the applicant on a Group 'D' post will be without prejudice to the decision to be taken on Annexures A4 and A6.

3. In the light of the above submission by the learned counsel for the parties we dispose of this application with the following directions:

- (a) The applicant shall within a week from today report before the Senior Divisional Personnel Officer and submit his willingness to be appointed in a Group 'D' post without prejudice to his claim put forth in A-4 and A6 representations.
- (b) On the applicant reporting as aforesaid the respondents shall take further steps towards the appointment of the applicant on a Group 'D' post without delay with the specific understanding that his joining on the post will be without prejudice to his claim for a Group 'C' post projected in A-4 and A-6 representations.
- (c) The second respondent shall within a period of two months from the date of receipt of a copy of this order consider the representations of the applicant Annexures A4 and A6 in accordance with the rules and instructions on the subject and give the applicant a speaking order.

4. No order as to costs.

Dated the 30th April, 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A-3 : A true copy of the letter No.V/Z 720/Vol. V/1 dated 4-12-96 issued by the 4th respondent.
2. Annexure A-4 : A true copy of the appeal dated 26-12-96, submitted by the applicant to the 2nd respondent.
3. Annexure A-5 : A true copy of the offer of appointment bearing No. V/P.268/IV/DSL.Loco dated 10-1-97 issued by the 4th respondent.
4. Annexure A-6 : A true copy of the representation dated 21-1-97 submitted by the applicant to the 4th respondent.

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