

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.374/2002.

Wednesday this the 28th day of August 2002.

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.Y.Gleesan, Naduvilaparambil,
Thiruvaniyoor P.O., Puthen Cruz(via).
Ernakulam District. Applicant

(By Advocates S/Shri TC Govindaswamy, K.M.Anthru, Martin G.Thottan, Mannatil Kumar and Miss Heera D.)

Vs.

1. Union of India represented by the General Manager, South Central Railway, Secunderabad, Andhra Pradesh.
2. The Deputy Chief Personnel Officer, South Central Railway, General Manager's Office, Secunderabad, Andhra Pradesh.
3. The Divisional Railway Manager, South Central Railway, Hubli Division, Hubli, Karnataka.
4. Chief Personnel Officer, South Central Railway, Secunderabad, Andhra Pradesh.
5. The Divisional Personnel Officer, South Central Railway, Hubli Division, Hubli, Karnataka.
5. The Deputy Chief Mechanical Engineer, Diesel Loco Shed, South Central Railway, Hubli, Dhawar District, Karnataka.

(By Advocate Smt. Rajeswari Krishnan)

- The application having been heard on 28th August, 2002 the Tribunal on the same day delivered the following:

ORDER

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

The applicant was selected as Apprentice Mechanic (Workshop) in the process of selection made by the Railway Recruitment Board, Bangalore. He was given an offer of appointment (A-4) dated 5.10.99. He was directed to report to

the office of the Divisional Railway Manager on 2.8.2001 for medical examination before his appointment as Junior Engineer Grade-II. Even though he had reported, the order of appointment was collected from the applicant and four others. Thereafter appointment was not offered. Therefore, the applicant has filed this application for a declaration that the non-feasance on the part of the respondents to issue order of appointment to the applicant in the light of Annexure A-4 is arbitrary, discriminatory and unconstitutional and for a direction to the respondents to forthwith issue orders of appointment to the applicant as Junior Engineer Grade-II and allow him to join accordingly.

2. The respondents have filed a reply statement indicating the circumstances under which the applicant could not be immediately appointed. However, in the last paragraph of the reply statement it has been stated as follows:

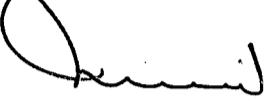
"It is submitted that as per the orders of the Head Quarters, Secunderabad on 5.7.2002, the candidate offered an appointment on 24.7.2002 duly getting approval from the concerned Cadre Controlling Officer and also sent a telegram to the candidate advising him to report to Senior Divisional Personnel officer, Hubli. Accordingly, the applicant has reported to Senior Divisional Personnel Officer Hubli on 29.7.2002. Inter alia he was directed to Workshop for taking training on the very same day which was exhibited and marked as Annexure R-5, the same was confirmed by the Deputy Chief Engineer/Diesel Shed/Hubli vide their letter dated 29.7.2002 exhibited and marked as Annexure R-6."

We find that the applicant has now been appointed with the approval of the competent authority as Junior Engineer Grade-II and joined for training. The grievance of the applicant has therefore been redressed by offering him appointment and allowing him to join for training.

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3. In the result, making note of the above development, the application is disposed of without any further directions. No costs.

Dated the 28th August, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1: A true extract of the notification published in Employment News 20-26 December, 1997.
2. A-2: A true extract of the merit list published in the Employment News 20-26 March, 1999.
3. A-3: A true copy of letter bearing No.RRB/BNC/CS/2/97(12) dated 3.3.1999 from the Chairman of the Railway Recruitment Board, Bangalore.
4. A-4: A true copy of letter No.P.563/Mech/WS dated 5.10.1999, issued by the 2nd respondent.
5. A-5: A true copy of the letter No.H/P.535/IV/EMD dated 17.7.2001.
6. A-6: A true copy of the representation dated 18.1.2002 submitted by the applicant.
7. A-7: A true copy of the representation dated 21.2.2002 submitted by the applicant's father.
8. A-8: A true copy of the representation dated 29.3.2002 from the applicant's father.
9. A-9: A true copy of the representation dated 5.4.2002 submitted by the applicant's father.
10. A-10: A true copy of the representation dated 26.4.2002 submitted by the applicant's father.

Respondents' Annexures:

1. R-1: True copy of letter/appointment order dated 27.7.2001 issued from the Divisional Office, Hubli.
2. R-2: True copy of letter dated 21.1.2001 issued by the Divisional Railway Manager, Hubli.
3. R-3: True copy of letter dated 19.3.2002 issued by the Divisional Railway Manager, Hubli.
4. R-4: True copy of letter dated 5.7.2002 issued by the Office, Secunderabad.
5. R-5: True copy of letter dated 29.7.2002 issued by the Divisional Office, Hubli.
6. R-6: True copy of the letter dated 29.7.2002 issued by the Deputy Chief Mechanical Engineer.

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