

## CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

## LUCKNOW CIRCUIT BENCH

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REGISTRATION O.A.NO.270/89

Sushil Kumar ... ..Applicant

Versus

Union of India &amp; Others ... ..Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A. B. Gorthi, Member(A)

(By Hon'ble Mr. Justice U.C.S., V.C.)

The applicant qualified for the post of Apprentice Mechanic after appearing in the oral and written examination which took place in pursuance of an advertisement. Thereafter the applicant received a registered letter dt. 16.12.1974 intimating him that the Commission has recommended his name for appointment and he would get appointment in due course. But no letter was received by the delinquent employee. Meanwhile the applicant learnt that candidates selected alongwith him were receiving training. But the efforts of the applicant did not succeed. The applicant met the S.P.O. (Recruitment) on 7.3.1976 who directed the applicant to see his sub-ordinate. It was then known that the letter of appointment, in fact, was sent to him but by mistake it was sent on in-correct address. The applicant was assured that the mistake would be corrected and he will get his appointment very soon. On the contrary the applicant was informed vide letter dated 18.3.1976 from S.P.O. (Recruitment) New Delhi that he will not be appointed to the above post as the panel of the same had lapsed. Thereafter the applicant

represented again to the S.P.O.(Recruitment) and under advice of the counsel issued a registered notice Under Section 80 C.P.C. to the General Manager, Northern Railway, Baroda House, New Delhi dt. 24.1.77 narrating all the facts and challenging the orders of the S.P.O. (Recruitment) dt. 18.3.1976 being illegal and arbitrary. Thereafter vide letter dt. 19.5.77 he was sent for training after he was declared that he passed the medical examination. The mistake was thus rectified, it appears, ~~that~~ as it was the fault of the Railway Administration. The respondents have not filed any counter affidavit despite service. On earlier date Mr. Siddiqui, Advocate appearing for Mr. K.C. Johri Railway Counsel prayed for some time to file the reply. In view of the facts stated above the applicant should not be subjected to suffer for the mistake of the Govt. or its officers. Consequently the applicant cannot be made to suffer for the mistake or errors committed by the Railway Administration itself. Accordingly the prayer of the applicant appears to be justified. The application is accordingly allowed and the respondents are directed to fix the seniority of the applicant by placing his name over and above the others and placing him, may it be at bottom, of his batch when the appointment letters of his batch were issued. The applicant will get seniority but no back wages for the period will be given to him for the said period. The seniority shall be rectified and corrected within a period of three months from the date of the communication of this order. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

DATED: 20 May, 1991

(ss) (LUCKNOW)

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