

## CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW 0.A.No.277/92(L)

U.C. Kairidhal

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Applicant

Vs .

Union of India & Others.

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Respondents.

Hon.Mr. Justico U.G.Srivastava; V.C. Hon.Mr. K. Obayya, A.M.

(By Hon.Mr. Justice U.C. Srivestava, V.C.)

This is yet another east in which the Railway Administration has tried to defend its own laches and dopries the employee of the bunefit which otherwise ho would have got. Instead of frankly admitting that the Railway Administration is at fault, they have tried to phiold their action. The applicant, who was an employee of the Railway Administration, was waiting for his turn to come to get prometion to higher post. The examination for the same was to take place on 28-7-90 which was postponed to 18/8/90. It appears that the applicant was hospitalised on 18-8-90 and was to undergo operation. After that, he resumed his duty on 30-11-90. In the meantime the selection process was completed and the supplementary examination also took place on 25/10/90 i.a. before the applicant resumed his suty. Than he resumed duty he made representation in this behalf. Representations after representations were made but the Railway Administration kept mum and preferred not to. dispose of the representation and waited till he retired from service on 31-12-91. After uniting for menths he approached this Tribunal.

2. The respondents tried to justify their stand stating that the applicant, the was in Railway Hospital, was operated upon and he did not formally informable

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Railway Administration regarding his illness. As such there was no duty east upon them to give any information to him. According to the respondents, it was the duty of the applicant to ascertain as to when the supplementary examination was to take place. Formally, according to them second supplementary examination is not to take place though holding of second supplementary examination has not been decied or disputed.

From the papers it appears that cortain information was, in fact, given to the department reparding the applicant's ailment, who made representation in this behalf. If any heed would have been given in this behalf, the matter would have been solved earlier. But the Railway Administration preferred to keep mum with the result the applicant was deprived of appuaring in the examination. How, whom ho has refired and the relationship between the master and servant has come to an end, a strong plaa has been taken that he should suffer and the Railway Administration should enjoy for their own laches. It is the Railway Administration which is responsible for delaying the matter. It is a fit case that they should consider the case of the applicant by considering his suitability on the basis of A.C.R. stc. It is expected that the same will be done within a period of 3 menths from the date of communication of this order. In case he is found suitable, there appears to be no reason as to why he cannot be given promotion notionally wee.f. due date. - s order as to tho coats.

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Vicu-Chairman.

Dated: 31st March, 1993. Quekneys

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