

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 16th Day of APRIL, 1987

Present : Hon'ble Shri Ch. RAMAKRISHNA RAO MEMBER(J)

Hon'ble Shri L.H.A.REGO MEMBER(A)

APPLICATION No. 1819/86(T)

Anil Vitthal Haldankar,
Bindargi Oni, Ganeshpeth,
Hubli - 20.

(Shri R.U.Goulay

...

... Advocate)

APPLICANT

V.

The Divisional Railway Manager,
South Central Railway, Hubli.

The General Manager,
South Central Railway,
Secunderabad.

(Shri M.Srirangaiah

...

... Advocate)

RESPONDENTS


This application has come up before the court today.

Hon'ble Shri Ramakrishna Rao, Member(J) made the following :

ORDER

Shri R.U.Goulay, learned counsel for the applicant, submits that the father of his client did not participate in the general strike by the Railway employees on 8.5.74; that the Railway Ministry offered certain incentives for employees who did not participate in the General strike such as offering appointments in the Railways for the children of loyal employees; that a request was made by the father of the applicant on 22.6.74 seeking appointment to the post of Commercial Clerk for his son; that the applicant was not considered though others similarly situated got the benefit and the applicant prays for suitable directions being given to the respondents.

2. Sr. M.Srirangaiah, learned counsel for the respondents, submits that the application made by the father of applicant was duly considered and the applicant was offered an appointment in



October, 1974 as Khalasi which was not accepted by him; that this was reiterated by the respondents in their letter dated 6.6.80 in which it was also stated that the scheme of appointment of loyal workers had been discontinued w.e.f.1.4.76 and in view thereof the applicant has no claim for appointment.

3. We have considered the rival contentions carefully. We find that the statement made by the respondents in their letter dated 6.6.80 that the applicant was offered the post of Khalasi is not in disputed since the father of the applicant in his letter dated 16.11.76 referred to the offer made by the respondents to a class IV post for his son. His grievance however, as may be seen from the contents of his letter, was that two of his colleagues, whose sons possessed the same qualifications, were offered appointment of class III post.

4. In our view no assurance was held out by the Railways as to what class of post would be offered to the children of the loyal employees and if the applicant in the present case was offered a class IV post it is not competent to this Tribunal to sit in judgement over the propriety of the offer. We, therefore, hold that the appointment of the applicant and others possessing similar qualifications is a matter purely for the administration to undertake and on the basis thereof offer suitable posts.

5. This apart, the father of the applicant complained as long ago as 16.11.76 in the matter of offer of class IV post to his son and no steps were taken by the father or son immediately thereafter to move the High Court of Karnataka challenging the decision of the Railways. Even after the letter dated 6.6.80 was issued by the respondents it took two years for the applicant to file a writ in the High Court. In our view, this application therefore does not merit acceptance on the ground of laches also.

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