

Registered

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

APPLICATION No. 75/87(F)

(WP. NO. —)

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 14/10/87

APPLICANT

K. Dhanaraj

TO

VS

RESPONDENTS

Divisional Railway Manager,  
S. Rly. Bangalore.

1. Sri K. Dhanaraj,  
No. 279/B, D.G. Colony,  
Bangalore City -560023.
2. Sri S. Lakshminarayana,  
Advocate,  
C/o No. I, II Floor,  
S. B. Nutt Building,  
Bangalore -9.

3. The Divisional Railway  
Manager,  
Southern Railway,  
Bangalore City,  
Bangalore.

4. Sri M. Srirangaraj,  
Advocate,  
3, S.P. Building,  
10th Cross, Cubbonpet,  
Bangalore -2.

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NO. 75/87(F)

....

Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on

23 24 Sep 87.

ENCL: As above.

RECEIVED 10/10/87

Diary No. 1296/87/87

Date: 16-10-87 82

*For Hare*  
For DEPUTY REGISTRAR  
(JUDICIAL)

dc.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 23RD SEPTEMBER, 1987

Present : Hon'ble Shri P. Srinivasan Member (A)  
Hon'ble Shri Ch. Ramakrishna Rao Member (J)

APPLICATION NO. 75/87(F)

K. DHANARAJ  
s/o K. Krishnaswamy,  
Age about 25 years,  
Residing at No. 279/B,  
M.G. Colony, Bangalore  
City - 560 023.

APPLICANT

(Shri A. Lakshminarayana.....Advocate)

The Divisional Railway  
Manager, Southern Railway,  
Bangalore City, Bangalore.

RESPONDENT

(Shri M. Srirangaiah.....Advocate)

This application has come up for hearing  
before this Tribunal to-day, Hon'ble Member (A)  
made the following :

O R D E R

In this application the applicant  
prays for a direction from this Tribunal to  
the Respondents, the Divisional Railway Manager,  
Southern Railway, Bangalore, to absorb the  
applicant in the Traffic, Mechanical or  
Electrical Department of the Southern Railway,  
Bangalore City, pursuant to an appointment  
order dated 25.9.1982 said to have been issued  
to him and medical fitness certificate dated  
9.10.1982.

\* 2. Shri A. Lakshminarayana, learned  
counsel for the applicant, submits that the  
applicant's father was a Railway servant



P. S. 45

working as Sanitary Maistry in the Southern Railway at Bangalore. His father retired from service in June 1983. While in service, the applicant's father had made a request to the authorities to consider the case of the applicant for appointment in a suitable post in the Railways. The Railway authorities approved the case of the applicant for appointment as a substitute casual worker.

By letter dated 31.8.1982 the Divisional Personnel Officer (DPO), Bangalore, wrote to the Yard Master, Baiappanahalli Railway Yard as follows:

"The following employees may be appointed as substitute against the existing vacancies stopping the unapproved candidates, if any, if there are no vacancies their names may be registered for future vacancies". The letter listed six persons including the applicant. Shri Lakshminarayana's case is that while all the other five were given appointments, the applicant was not appointed. It would appear that thereafter, the office of the DPO, Bangalore, wrote to the Station Supdt., Bangalore City Railway Station on 25.9.1982 recommending the engagement of the applicant who was an approved candidate as substitute against existing Class IV vacancies. This letter was written because there were no vacancies in Biappanahalli in which the applicant could be appointed. After this letter was written, the applicant was asked to undergo a medical test. A fitness certificate dated 9.10.1982 was issued to him by the Divisional Medical Officer, Bangalore City. But in spite of the letter dated



25.9.1982 the applicant was not given any appointed <sup>ment</sup> on the ground that there was no vacancy with the Station Supdt., Bangalore City. In view of the letter dated 25.9.1982 which appears in the prayer and the medical fitness certificate, Shri Lakshminarayana contends, the applicant was entitled for an appointment particularly since his father had retired as a Railway servant.

3. Shri M. Srirangaiah on behalf of the respondents submits that the applicant acquired no right for appointment. Merely being on the approved list of candidates does not give a right of appointment. It is true that the name of the applicant, along with those of 5 others, was recommended for appointment in the letter dated 31.8.1982 addressed by the DPO, Bangalore, to the Yard Master, Biappanahalli Railway Yard, but there were no vacancies available there. Thereafter by letter dated 25.9.1982 the case of the applicant was referred by the DPO, Bangalore City, but even <sup>H</sup> there, there was no vacancies. In any case, Shri Srirangaiah contends that the grievance of the applicant, if any, arose in September 1982 when he failed to obtain appointment. That being so the grievance having arisen well before 1.11.1982 this Tribunal had no jurisdiction to entertain the present application in view of a line of decisions rendered by several Benches of this Tribunal.

4. Shri Lakshminarayana, countering the argument of Shri Srirangaiah that we have



P. S. K

no jurisdiction, contends that the applicant was making representations from time to time and so the cause of action is a continuing one and that, therefore, this Tribunal was competent to dispose of this application .

5. Having perused the records produced by Shri Srirangaiah and having heard both counsel we are of the view that this application has no merits whatsoever. The mere approval of the applicant's name for appointment did not confer any right of appointment in his favour. The so called appointment order dated 25.9.1982 relied upon by the applicant was not an order of appointment, but a recommendation to the Station Superitent Bangalore City to appoint him if there was a vacancy. We have no reason to disbelieve the contention of the respondents that there were no vacancies in which the applicant could be absorbed. We are satisfied that there was no appointment order and no right arising therefrom. We see no merit in the contention that out of six persons recommended for appointment five others were appointed but not the applicant. As we have stated earlier the names were sent only by way of recommendation on the basis of their being on the approved list and none of the persons including the applicant thereby acquired a right of appointment. We are, therefore, of the opinion that the application deserves to be dismissed even apart from Shri Srirangaiah's

P. J. U.



/ 5 /

contention that the grievance, if any, arose well before 1.11.1982. The applicant at no stage acquired any right, the denial of which could give right to a cause of action.

6. In the result the application is dismissed. Parties to bear their own costs.

Sd/-

MEMBER (A) 23

sb.

Sd/-

MEMBER (J) 23.9.87

'True Copy'

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE



Railway employees who were working on the projects like the Hassan-Mangalore line construction project and the Bangalore-Guntakal line conversion project as and when the vacancies arise. The Railway Administration is not in a position even to engage said retrenched employees for want of vacancies and various restrictions on fresh appointments.

6. The applicant is not entitled to any job in the Southern Railway on the basis of the retirement of his father who was working as Sanitary Maistry in the Southern Railway as asserted by the applicant or on any other basis.

Wherefore the respondent prays that this Hon'ble Tribunal may be pleased to dismiss the above application with costs, in the ends of justice.

For and on behalf of respondent

*M. V. Pitchai*  
Advocate for  
Respondent

*B. V. Pitchai*  
Divisional Personnel Officer  
Southern Railway, Bangalore Dn.,  
Divisional Personnel Office,  
Southern Railway, Bangalore

I, V. Pitchai, Divisional Personnel Officer,  
do hereby declare that what is stated above is true to  
the best of my knowledge, information and belief.

Bangalore  
Dated: 21-9-87

*B. V. Pitchai*  
Divisional Personnel Officer  
Southern Railway, Bangalore Division  
Divisional Personnel Office,  
Southern Railway, Bangalore