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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 702/91

Date of Order: 20.10.93

N.Venugopala Rao.

.. Applicant

Vs.

1. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.

2. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.

3. The Deputy Chief Mechanical
Engineer, South Central Railway,
Guntupalli Wagon Workship,
Guntupalli, Krishna District.

.. Respondents

Counsel for the Applicant : Mr.P.Krishna Reddy

Counsel for the Respondents : Mr.N.V.Ramana

CORAM:-

THE HON'BLE MR.A.B.GORTHI : MEMBER (ADMN.)

THE HON'BLE MR.T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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(Order of the Devision Bench delivered by
Hon'ble Sri A.B.Gorthi, Member (Admn.))

The applicant herein claims appointment under the respondents in any Class-IV (Group 'D') Service in Guntupally Workshop, South Central Railway on the gound that the land belonging to his family was acquired by the respondents.

2. Initially, the elder brother of the applicant, ~~along with 2~~ ^{was of} some other similarly situated individuals ~~and~~ filed OA 765/88 before this Tribunal. Allowing the application, the Tribunal directed the respondents to entertain the claims of the applicants and offer them jobs if they are otherwise found eligible. Consequently, the respondents vide communication dated 4.5.91 asked the brother (N.Suryanarayana) of the applicant to forward his application for employment. At about the same time the applicant himself submitted an application to the respondents requesting that his case be considered instead of his brother's. It is ~~also~~ ^{also} stated that his brother ^{has} written to the respondents stating that he ~~would~~ ^{would} no longer intrested in securing employment ~~of~~ ^{under} the respondents and that in his place the case of his younger brother be considered for suitable employment.

3. The short ground on which the respondents have denied the applicant employment under them is that by virtue of the Judgement of the Tribunal in OA No.765/88 only the brother of the applicant could be considered for employment under the respondents.

4. There is no doubt that N.Suryanarayana, the brother of the applicant was one of the applicants in OA.765/88 which was decided by the Tribunal on 18.7.90. Not with-

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standing the same, a careful examination of the Policy laid down by the Railway Board with regard to giving appointment in Group 'C' and 'D' posts to members of the families displaced as a result of acquisition of land would clearly indicate that ^{as} ~~as~~ a kind of rehabilitation to the displaced families. It was ~~incumbent~~ ^{on} on the part of the respondent organisation to offer employment to a son/daughter/ward/wife of the person displaced. In the instant case, for personal reasons N.Suryanarayana who initially claimed employment did not thereafter desire to pursue his request. That should not by itself disentitled the applicant to claim benefit of the Railway Board Policy. So far as the respondents are concerned, it should not make any difference whether the appointment is offered to the applicant or his brother N.Suryanarayana. The fine distinction that the respondents are now attempting to make by stating that it was only N.Suryanarayana who was the applicant in OA 765/88 cannot be appreciated. In the Judgement in OA 765/88, what has been laid down clearly is that ~~even~~ ^{even} applications submitted ^{even} after the cut off date of 31.3.81 should ~~not~~ ^{not} be entertained by the respondents. We do not find anywhere anything to support the respondents' contention that if one member of the family is no longer keen to be employed under the respondents, ^{as} ~~where~~ the other member of the family should not be considered for the benefit under the Railway Boards Policy dated 31.12.82. It is ~~of~~ ^{all} the more so, when the brother (N.Suryanarayana) had written to the respondents that in his place the case of his younger brother (the applicant) should be considered by the respondents.

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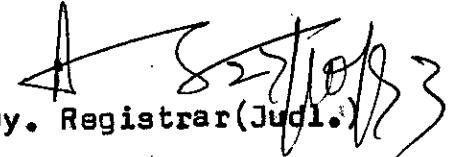
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5. In view of the above, we dispose of the application with a direction and direct the respondents to consider the case of the applicant for employment against the suitable Class-IV (Group 'D') Post in terms of the Railway Boards' Circular dated 31.12.1982/1.1.83. No order as to costs.

T. C. R. P.
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

thru/s
(A. B. GORTHI)
Member (Admn.)

Date: 20th October, 1993
Dictated in Open Court.


Dy. Registrar (Judl.)

ad

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. The Deputy Chief Mechanical Engineer, South Central Railway, Guntupalli Wagon Workshop, Guntupalli, Krishna District.
4. One copy to Sri. P. Krishna Reddy, advocate, CAT, Hyd.
5. One copy to Sri. N.V. Ramana, SC for Railways, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

Atta & Leaf
post Q 27/3