

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

DA.734/91

date of decision : 15-6-1993

Between

T. Venkatachalapathi

: Applicant

and

1. The General Manager  
South Central Railway  
Railnilayam  
Secunderabad 500 371

2. The Chief Personnel Officer  
South Central Railway  
Railnilayam  
Secunderabad 500 371

3. The Dy. Chief Mech. Engr.  
Carriage Repair Shops  
South Central Railway  
Tirupathi.

: Respondents

Counsel for the applicant:

: P. Krishna Reddy, Advocate

Counsel for the respondents

: D. Gopal Rao, Standing  
counsel for Railways

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HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(as per Hon. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri P. Krishna Reddy, counsel for the applicant and Sri N. Rajeswara Rao, for Sri D. Gopal Rao, counsel for the respondents.

2. The applicant claims that an extent of 0.12 cents in field No.20/72 and 0.03 cents in field No.20/110 of Sattipalle village, Tirupathi, Chittoor District, belong to his father and they were acquired for construction of Carriage Repair

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Workshops in South Central Zone. He applied in 1985 for a post in Group-C requesting for appointment for the said post in pursuance of the scheme formulated as per Railway Board's letter No. E(NG)/II/82/RC 1/95, dated 31-12-82/1-1-1983.

3. The Respondents had not provided this job as requested by the applicant as per his application in 1985 on three grounds, viz:

- i) The applicant's uncle stated that the lands acquired belong to him (paternal uncle) and hence he is not eligible for a post as per the above scheme;
- ii) He was underaged, for he was aged only 17 years then; and
- iii) He did not get the qualifying 50% marks in Tenth class for being considered for the post in Group-C.

4. In 1989 the applicant had again applied for the post in Group-D by alleging that the lands acquired belonged to his father and he was studying in B.Com. When there was no response to the said application, this OA was filed on 29-7-91 seeking appointment for the post in Group-D.

5. Notice issued under Rule.9(3) of the Rules framed under Land Acquisition Act, vide the first material paper discloses that the lands acquired belong to the father of the applicant. Though cut-off date was prescribed as per the scheme to claim benefits under the above scheme, as the Railway authorities relaxed the same in a number of cases, this Tribunal also held in various OAs that mere fact that application was not filed in time is not a ground for depriving the benefit under the scheme. Thus, even though the applicant was not eligible for any post by 1985 the date on which he filed his first application, his case as per his second application in 1989

20/10/91


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had to be considered as he was eligible ~~by then~~, <sup>for</sup> as he passed the minimum educational qualification for Group-D i.e. 8th class, ~~and the applicant satisfied it.~~

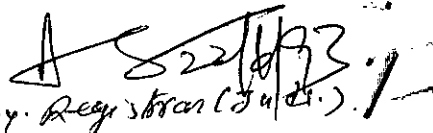
6. Hence, we hold that the applicant had to be provided the job in Group-D as per the scheme referred to. We have to make it clear that he had to be provided job by this order in vacancy in direct recruitment for Group-D posts and if the other eligible persons in the scheme are not yet provided jobs in Group-D, the applicant had to be provided the job in Group-D in the vacancy in direct recruits as and when his turn in the displaced persons comes.

7. The DA is ordered accordingly. No costs.

P. J. L. S.  
(P.T. Thiruvengadam)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice-Chairman

Dated : June 15, 93  
Dictated in the Open Court

  
Dy. Registrar (S. & C.)

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Copy to:-

1. The General Manager, South Central Railway, Railnilayam, Secunderabad-371.
2. The Chief Personnel Officer, South Central Railway, Railnilaya Secunderabad-371.
3. The Dy. Chief Mechanical Engineer, Carriage Repair Shops, South Central Railway, Tirupathi.
4. One copy to Sri. P. Krishna Reddy, advocate, CAT, Hyd.
5. One copy to Sri. D. Gopal Rao, SC for Railways, CAT, Hyd.
6. One spare copy.

Rsm/-

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