

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

AT HYDERABAD

O.A.No.1098/92

Date of Order : 24.12.1992

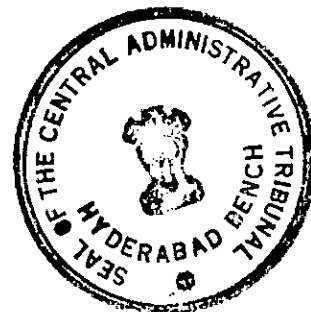
BETWEEN:

Sadasivan

.. Applicant.

A N D

1. The Union of India, Re. by
The Chairman, Central Water
Commission, Seva Bhavan,
K.K.Puram, New Delhi.
2. The Chief Engineer, P&I,
Central Water Commission,
West Block No.2, K.K.Puram,
New Delhi.
3. The Superintending Engineer,
Central Water Commission,
Godavari Circle, H.No.5-9-2C1/B&B1; 1st. Floor, Chirag-Mu. Lane,
Hyderabad.



Counsel for the Applicant

.. Respondents.

.. Mr.V.DurgaPrasada Rao

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI A.B.GORTHY, MEMBER (ADMIN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Division Bench delivered by

Hon'ble Shri A.B.GORTHY, Member (Admin.)).

None present for the applicant. Mr.N.V.Raghavareddy
Standing Counsel for the respondents present. Although
this application is listed for rejection, None present

~~Signature~~

13/12/92

Order of the Divisional Bench delivered
by Hon'ble Shri T.Chandrasekhara Keddy, Member(Judl.).

This is an application filed under Section 19 of the Administrative Tribunal Act to direct the respondents to accomodate the applicant as Senior Mechanic or equivalent post either in the Central Water Commission offices or any other Government agencies and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this O.A. in brief are as follows:-

3. The applicant was employed on 14.3.1977 by the Central Water Commission, Lower Lagyap Construction Division No.II, Ranipul (Sikkim) as First Grade Fitter. He was posted in Sikkim. The post which the applicant holding was workcharged one. The petitioner ultimately was promoted to the post of Senior Mechanic. The Government of India completed the project at Sikkim (Ranipul) and so the services of the applicant along with others were terminated w.e.f. 20.3.1984 as the applicant and others were found to be surplus. The Superintendent Engineer at Ranipul in Sikkim gave an assurance that there would not be retrenchment and that all the employees including the applicant would be absorbed either in Central water Commission or elsewhere. In pursuance of the assurance given by the said Superintendent Engineer, the applicant

T. C. Murphy

2007/9/7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

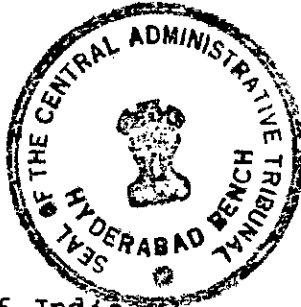
O.A.No.1098/92

Date of Order: 30.7.93

BETWEEN:

Sadasivan

A N D



.. Applicant.

1. The Union of India,
Rep. by the Chairman,
Central Water Commission,
Seva Bhavan, K.K.Puram,
New Delhi.
2. The Chief Engineer, P&I
Central Water Commission,
West Block No.2, K.K.Puram,
New Delhi.
3. The Superintending Engineer,
Central Water Commission,
Godavari Circle H.No.5-9-201/B&B4,
1st Floor, Chirag-Ali-Lane,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.V.Durga Prasada Rao

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

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

HON'BLE SHRI P.T.THIRUVENGADAM : MEMBER (ADIN.)

T. S. R.

18780
7

not in dispute in this OA. From the pleadings of the respondents there cannot be any doubt about the fact that the applicant had been offered the post of Khalasi. But the case of the applicant is, that he had no knowledge of the said offer made by the respondents to the applicant, for the post of Khalasi. Annexure A-6 appended to the OA is the representation of the applicant dated 1.9.1986 to the Superintending Engineer, Hydrological Observation and Flood Forecasting Circle, Central Water Commission, Hyderabad. In the said representation, the applicant had specifically stated that the officials issued an office order dated 29.7.1984 mentioning that the Hydrological Observation Division No.2 of the Central Water Commission had offered the applicant the post of Khalasi at Cochin on 26.9.1984 and the said letter also further stated that the offer was subsequently cancelled because of the failure of the applicant to report for duty within the stipulated period. In the said representation it is not mentioned from which source the applicant had information with regard to the offer of appointment. But from the counter of the respondents it is clear that the respondents had sent the offer of appointment by registered post. So, as the offer of appointment had been sent by registered post there is presumption in law that the said offer of appointment should have been received by the applicant. So, in view of this position, we are not prepared to accept the contention of the applicant that he had no knowledge of the offer of appointment made to him by the respondents in the year 1984 (26.9.1984). As a matter of fact the representation dated 1.9.1986 makes it clear that the applicant had knowledge of the offer of appointment sent to him by registered post. So, as the applicant had knowledge about the offer of appointment

T. C. M. S.

was waiting for an offer of a suitable job from the respondents. According to the applicant he was not offered any job by the respondents as per their earlier assurance. According to the applicant he had put in a number of representations to the competent authority to provide him a suitable job. But as the respondents had not provided any job, the applicant had approached this Tribunal.

4. Counter Affidavit is filed by the respondents opposing this O.A.

5. In the counter of the respondents it is maintained in June, 1984 the applicant was offered the post of Khalasi by Hydrological observation Division No.II, CWC, Cochin, which was under the then Krishna ~~Circle~~^{Cauvery} Circle, CWC, Hyderabad now called as Krishna Circle and that the offer of appointment was also sent to the applicant by Registered post and that the applicant did not report ^{for duty} within the stipulated date and so the offer of appointment issued to the applicant was cancelled. So, it is contended by ~~all~~ the respondents ~~as~~ the applicant did not accept the offer of appointment ~~and~~ the offer of appointment had been cancelled ^{and} that there is no question of providing to the applicant any other job.

6. We have heard Mr.V.Durga Prasada Rao, Advocate for the applicant and Mr.N.V.Raghava Reddy, Standing Counsel for the respondents.

7. The fact that the applicant while working as Senior Mechanic at Sikkim (Ranipul) that his services were terminated w.e.f. 20.3.1984 as the project work in which the applicant was working was completed is

T. C. R.

300/100
72

: 6 :

Copy to:-

1. Chairman, Central Water Commission, Union of India, Seva Bhavan, R.K.Puram, New Delhi.
2. The Chief Engineer, P&I Central Water Commission, West Block, No.2, R.K.Puram, New Delhi.
3. The Superintending Engineer, Central Water Commission, Godavari Circle, H.No.5-9-201/B&B, Mydabas 1st floor, Chirag-Ali-Lane, Hyderabad.
4. One copy to Sri. V.Durga Prasada Rao, advocate, 11-3-292/36, Srinivasa Nagaram, Near Sri Sai Public School, Secunderabad.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

6th April
page 9.19
7.83

Case Number	27/1098/42
Date of Judgement	34/7/83
Copy made ready on	19/8/83
Section Officer (I)	

made by the respondents to him and as the applicant had not accepted the offer by joining in the post of Khalasi, there was no alternative to the respondents except to cancel the offer of appointment. Hence the action of the respondents in cancelling the offer of appointment is valid. Hence, this OA is liable to be dismissed and is accordingly dismissed.

8. But bearing in mind the fact that the applicant had worked from 14.3.1977 to 20.3.1984 in the respondents project at Sikkim, the respondents may consider to appoint the applicant in any suitable post in a present vacancy or in a vacancy that may arise in future, if he is found to be eligible, qualified and suitable.

The parties shall bear their own costs.

sd/-
(HPTT)
MCA

sd/-
(H TCSIL)
M(J)

CERTIFIED TO BE TRUE COPY

.....
Date..... 19/8/83
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

5/10/83

Contd - - - 6/-