

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

C.P.No.66/96 in O.A.No.786/92.

Date: October 4, 1996.

Between:

Jacob.

Applicant.

And

1. Sri Syam Kumar, Divisional
Railway Manager, South Central
Railway, Vijayawada.
2. Sri K.B.T.Naik, Sr.Divisional
Personnel Officer, South Central
Railway, Vijayawada.
3. Sri P.Balakotaiah, Sr.Divisional
Engineer (C) South Central Railway,
Vijayawada.
4. Sri G.V.Prasad Rao, Assistant
Engineer, South Central Railway,
Bapatla.

Respondents.

Counsel for the Applicant: Sri P.Krishna Reddy.
Smt. Sarada
Counsel for the Respondents: Sri K.Siva Reddy.

CORAM:

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HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN.
HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (A)

ORDER:

(PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN)

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Smt. Sarada for the applicant. Mr. K.Siva

Reddy for the respondents.

2. The applicant complains that the respondents
have not complied with the order in the O.A., so far.
That order directing the respondents to provide alternative
employment as Group "D" Post to which the applicant
under Respondent No.4 (Assistant Engineer, S.C.Railway, Bapatla)

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✓ and was passed on 14-7-1995, The applicant has not been provided the employment so far.

3. The respondents have stated in their vacancy counter that no ~~post~~/of casual ~~labour~~ lorry driver or casual labour to which the applicant could be considered as per the directions in the O.A., has arisen under the jurisdiction of Respondent No.4 from the date of judgment till the date of the reply i.e., 16-8-1996 and that therefore the applicant has not so far been called for medical examination. The respondents have however stated that the case of the applicant will be considered as and when a vacancy arises. It is also stated that the applicant was intimated on 4-10-1995 of the existing position. Hence they submit that there is no violation of the original order.

4. Having regard to the reply, we find no case for initiating action in contempt. At the same time, one cannot ignore the spirit behind the original order that a vacancy may arise soon and the applicant would get employment. However, it appears that the applicant has to be offered employment in Group "D" post, a vacancy is necessary to be available under Respondent No.4 for that purpose. Yet, that does not mean that the applicant cannot be considered for offering him any casual or temporary

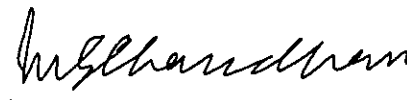


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work till a vacancy in Group "D" post was available and he could be absorbed. In the circumstances, we would impress upon the respondents that they may seriously consider offering ~~of~~ some casual/temporary employment to the applicant till he could be offered group "D" Post as directed by the original order. We hope that the respondents will consider the question sympathetically as the applicant is stated to be medically handicapped person and needs ~~an~~ employment. We hasten to add that the above observations are not part of the order. The above observations shall not be construed as the modification of the original order (and ~~the~~ original order remains undisturbed) or ^{an} the order passed on any independent proceedings and the non-compliance ^{with the observations} ~~that this~~ will not entitle the applicant to found any proceeding including contempt on its basis. Even so we expect the respondents to pay due attention to the said observations and try to help the applicant to the extent possible ^{and clearly} ~~expeditiously~~.

5. The C.P., is disposed of subject to the above observations.


H. RAJENDRA PRASAD
MEMBER (A)


M.G. CHAUDHARI, J
VICE-CHAIRMAN

Date: October 4, 1996.

Pronounced in open Court.


Deputy Registrar (S) cc.

sss.

C.P.66/96

To

1. Sri Syam Kumar, Divisional Railway Manager
SC Rly; Vijayawada.
2. Sri K.B.T.Naik, Sr.Divisional Personnel Officer,
SC Rly, Vijayawada.
3. Sri P.Balakotaiah, Sr.Divisional Engineer(C)
S.C.Rly, Vijayawada.
4. Sri G.V.Prasad Rao, Assistant Engineer,
S.C.Rly, Bapatla.
5. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.K.Siva Reddy, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

19/11/96 (15)

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 4-10-1996

ORDER / JUDGMENT

~~M.A./R.A.~~/C.A. No. 66/96

in

O.A. No. 786/92

T.A. No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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