

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

ORIGINAL APPLICATION NO.1144 of 1993

DATE OF JUDGMENT:15th September,1993

BETWEEN:

Mr. K.Joseph Naik

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Applicant

AND

1. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
2. The Deputy Chief Mechanical Engineer,
Carriage Repair Shop,
S.C.Railway,
Tirupathi.
3. The Workshop Personnel Officer,
Carriage Repair Shop,
S.C.Railway,
Tirupathi.

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Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. P.Krishna Reddy, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, ~~Adv~~ SC for Rlys.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

JUDGMENT

(As per Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

The Deputy Chief Mechanical Engineer, Carriage Repair Shop, Tirupathi issued a notification in 1984 for recruitment of Skilled Artisans in various trades. The applicant fulfilled the qualifications and applied for the post. After the selection, the applicant was empanelled vide proceedings dated 21.3.1987.

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209

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Due to the low position in the panel, the applicant could not get the appointment to the Skilled Artisan post for which he had been empanelled. The respondents instead offered Group 'D' post in the lower scale of Rs.750-940 in Guntakal Division in the Diesel Shed ie., at Gooty and Guntakal. The applicant was informed that if he accepts the offer of appointment in Group 'D' by the stipulated date, he will forgo his eligibility for direct appointment in the Skilled Artisan category. He was also advised that in case he does not accept the offer for Group 'D', he has to wait for his turn for appointment as Skilled Artisan category within the currency of the panel subject to vacancies arising during the ~~currency~~^{currency} of the panel. The panel ~~was~~ expired by 21.1.1991. The applicant accepted the offer of appointment within the stipulated time and also the terms and conditions. He has been waiting for appointment in Group 'D' and has been making a number of representations which have been of no avail.

2. While so, the respondents issued various employment notifications dated 17.6.1991 and 18.6.1991 for filling up vacancies in Group 'D', and notification dt.17.3.1993 for filling up vacancies of Skilled Artisan. This OA has been filed for directions to the respondents to appoint the applicant as Skilled Artisan or atleast as Khalasi in Group-D initially and ~~xx~~ later for absorption in Group-C.

3. With regard to the first relief, it is noted that the currency of the panel had expired more than two years back. Also the applicant had accepted the offer of appointment in Group-D, simultaneously foregoing his ~~xx~~ right for direct absorption in Group-C. Accordingly, ~~xx~~ he has ~~xx~~ no case for absorption for Group 'C' at this stage.

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22/8/91

To

1. The Chief Personnel Officer, S.C.Railway,
Secunderabad.
2. The Deputy Chief Mechanical Engineer,
Carriage Repair Shop, S.C.Rly. Tirupathi.
3. The Workshop Personnel Officer, Carriage Repair Shop
S.C.Rlys, Tirupathi.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd
5. One copy to Mr.N.V.Ramana, S.C.for Rlys. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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5. After the issue of the notifications dated 17.6.1991 and 18.6.1991 for filling up vacancies in Group 'D', a number of OAs were filed in this Bench by the candidates who were similarly placed as the applicant. The applicants in those OAs had also been empanelled in the year 1987 for Skilled Artisans and in the absence of vacancies (Skilled Artisans) they had been offered the posts in Group 'D' which had been accepted. In all those OAs filed from 1991 to 1993, this Bench had directed the respondents that as and when Group 'D' posts in the outsiders quota become available at Carriage Repair Workshop at Tirupathi or anywhere in Guntakal Division, the applicants therein should be considered first before considering any other case in order ^{of} /respective rank in the empanelment of Group 'C' post. We feel that a similar order should be passed in this OA. The bar of limitation will not apply in this case since the applicant had already exercised his option in the year 1991 and had been hoping to get order of appointment. He would not have been aware of the occurrence of vacancies in regard to the post for which the offer had been made.

6. In the result, the OA is disposed of ^{at the admission stage} /with a direction to the respondents that as and when Group 'D' posts in the outsiders quota are available in Carriage Repair Workshop, Tirupathi or anywhere else in Guntakal Division, the applicant should be considered first before considering any other candidate for the employment in Group 'D' post in the order of his rank in the empanelment of Group 'C' Posts. No costs.

P.T. Thiruvengadam
(P.T. THIRUVENGADAM)
MEMBER (ADMN.)

V. Neeladri Rao
(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 15th September, 1993.

vsn

A 824/93
Deputy Registrar (CS)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

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

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 15-9 -1993.

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No.

1144/93.

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs

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