

96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1022 of 1993

DATE OF JUDGMENT: 27th August, 1993.

BETWEEN:

Mr. P.Ajazulla Azeez

..

Applicant

AND

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

2. Chief Personnel Officer,
S.C.Railway,
Secunderabad.

3. The Divisional Railway Manager (P),
Broad Gauge,
S.C.Railway,
Secunderabad.

4. Ministry of Mines,
Principal Accounts Officer,
Government of India,
New Delhi-110003.

..

Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. G.Vidyasagar for Mr. G.
Bikshapathy, Advocate.

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, SC for Railways

CORAM:

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

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

JUDGMENT

(As per Hon'ble Shri A.B.Gorthi, Member (Administrative))

The applicant joined South Central Railway as
Commercial Clerk after having been directly recruited
through the Railway Recruitment Board on 22.6.1992. He

contd....

.. 2 ..

✓ ~~did~~ underwent training at the Zonal Training School, Moulali from 29.5.1992 to 9.9.1992. Thereafter, the applicant has been selected by the Staff Selection Commission and offered the appointment to the post of Accountant under the Pay and Accounts Office, Department of Mines, Government of India. With a view to enable him to join his new post, the applicant requested the concerned authorities for ~~the~~ issue of the discharge certificate. The same was denied on the ground that the applicant is required to refund the stipend and the cost of training as per the impugned memo dated 16.8.1993. The cost of training has been specified in the impugned memo as Rs.9855/- and the stipendary amount as Rs.1369/-. The total amount the applicant was asked to pay is Rs.11,224/-. The same is now under ~~the~~ challenge in this OA.

2. Para 1410 of the Indian Railway Establishment Manual, Chapter XIV provides ~~xxxxxxx~~ refund of cost of training and enforcement of bond-money in respect of railway employees who secured employment elsewhere. The said provision provides that non-gazetted railway employees who have not received the training at railway expenses in a specific avocation but only have been given an 'induction course' to make them suitable to the working needs of the railway may be exempted from refunding the cost of training in the event of their selection to other posts under the Central or State Government or ~~a~~ in Public Sector Undertaking/Autonomous bodies etc. In the instant case, it is clear that the training received by the applicant is not for any specific avocation as such. He was found suitable for employment ~~xxxx~~ as Commercial and Clerk/after having been appointed, he was ~~xx~~ put through the training for the purpose of making him suitable to the

✓
contd....

(28)

.. 3 ..

working needs of the Railways. Moreover, the applicant after having joined the railways, has ^{not} been allocated for appointment ~~in~~ ^{not} in any private firm but in a post under the Central Government. Accordingly, Para 1410(a) of the IREM clearly applies to the applicant - - - - - exempting him from refunding the cost of training and enforcement of bond money.

3. The learned counsel for the respondents contended that in the letter dated 29.5.1992 giving temporary appointment to the applicant, it has been stipulated that the applicant would have to produce Indemnity Bond binding himself to refund the cost of training and all the monies paid to him from the date of appointment or the training in case he did not join the Railways on the conclusion of the training. It is a general provision which must be read in the light of what has been specifically laid down in Para 1410(a) of the I.R.E.M., contents of which have already ^{discussed} been ~~made~~ above. The said provision requires that a fresh bond should be taken from such an employee to ensure that he serves the new employer for the balance of the original bond period.

4. In view of the above, there is merit in the contention raised in the application and we allow the same. The respondents are hereby directed to furnish the required discharge certificate to the applicant, ~~and also take further~~ ^{on} ~~action as laid down in Para 1410 of the IREM and~~ the applicant submitting the bond specified in Para 1410 of the IREM. The respondents shall also write to the Department under whom the applicant is ^{now} ~~not~~ taking up the new assignment (4th respondent herein) intimating them about the bond

contd....

P39m

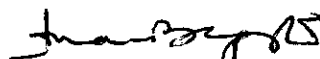
29

.. 4 ..

obligation of the individual. The discharge certificate has to be issued within a week from the date of furnishing the bond referred to.

5. The OA is accordingly ordered at the admission stage. No costs.

(Dictated in the open Court).


(A.B. GORTHI)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 27th August, 1993.


Dy. Registrar (Judl.)

vsn

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. Chief Personnel Officer, S.C. Railway, Secunderabad.
3. The Divisional Railway Manager(P), Broad Gauge, S.C. Railway, Secunderabad.
4. Principal Accounts Officer, Ministry of Mines, Government of India, New Delhi-003.
5. One copy to Sri. G. Bikshapathy, advocate, CAT, Hyd.
6. One copy to Sri. N.V. Ramana, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-


29/8/93

O.A. 1022/93

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. B. GORTHY : MEMBER(A)

AND

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

AND

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

Dated: 27/8-1993

ORDER/JUDGMENT:

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

~~in~~

O.A.No.

1022/93

~~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.~~

pvm

