

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

18

HYDERABAD BENCH : AT HYDERABAD.

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O.A. 1033/93.

Dt. of Decision : 17.12.93

G. Suresh Kumar

.. Applicant.

Vs

1. The Chief Personnel Officer,  
South Central Railway,  
Railnilayam,  
Secunderabad.

2. The Deputy Chief Mechanical  
Engineer, South Central Railway,  
Guntupalli Wagon Workshop,  
Guntupalli, Krishna District

.. Respondents.

Counsel for the Applicant : Mr.K.Lekshmi Narasimha

Counsel for the Respondents : Mr.C.Venkata Malla Reddy,  
SC for Rlys.

CORAM:

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

17/12/93  
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O.A. 1033/93

Dt. of Decision : 17.12.93

ORDER

( ) As per Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.)

This is an application filed under Section 19  
OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

respondents to appoint the applicant in <sup>any</sup> Group 'C' <sup>or</sup> 'D'  
post or any other suitable post in Guntupalli Wagon  
Workshop, South Central Railway, Vijayawada.

2. The facts giving raise to this OA in  
brief, are as follows.

3. The father of the applicant is one Sri.

G. Krishna Rao. The family of the applicant <sup>owned</sup>

4 Acres 95½ cents of land in R.S.No. 212 situated  
in Guntupalli village of Ibrahimpatnam Mandal,  
Vijayawada. According to the applicant, the family  
was entirely depending on the income they used to get  
on the said land. For the construction of Railway  
Wagon Repair Workshop at Guntupalli, the said land  
of the applicant's family measuring 4 acres 95½ cents  
was acquired in the year 1976. As per the Railway  
Board circular bearing letter No. E(NG) II/82/RC/1/95,  
dated 31.12.1982/1.1.1983, certain guidelines are  
given for rehabilitation of evicted families as a  
result of acquisition of lands for projects. As per

T. C. R.

20/12/93

the said guidelines, the applicant has got a right to be considered for employment in Group 'C' ~~or~~ 'D' post in the organisation of the respondents, by giving him preferential treatment for such employment. The applicant is said to have ~~been~~ born in 1973. So he was minor when the said land was acquired. He had no opportunity to make any application for providing a suitable job. For reasons best known to the father of the applicant, he had not made any representation to the competent authority, on behalf of the applicant (as he was minor) to provide any suitable job as and when the applicant attained majority. So as seen, after attaining majority the applicant has filed the present OA ~~for~~ direction to the respondents to consider the applicant for appointment in Group 'C' ~~or~~ 'D' post in Guntupalli Wagon Workshop, South Central Railway, Vijayawada, as already indicate above.

4. Counter is filed on behalf of the respondents opposing this OA.

5. We have heard to day Mr.K.Lakshminarasimha counsel for the applicant and Mr. C.Venkata Malla Reddy standing counsel for the respondents.

6. Mr. C.Venkata Malla Reddy standing counsel for the respondents ~~maintained~~ <sup>that</sup> the father of the applicant had not approached the competent authority

T. C. M. P.

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to consider the applicant for a suitable post as and when applicant attained majority, and as there was no representation to the respondents on behalf of the applicant by his father to provide the applicant a suitable post, that the applicant herein is not entitled for the relief as prayed for by him. The father of the applicant is not a party before us. The father of the applicant had never approached any authority to provide to the applicant a job. It is only the applicant that has approached this Tribunal for grant of appropriate relief. So the question that has got to be considered is whether there are any laches on the part of the applicant in approaching this Tribunal.

7. The applicant, as already pointed out, is said to be born in the year 1973. The applicant admittedly, should have attained majority in the year 1991. He has approached this Tribunal on 26.8.93. So, even before completion of 21 year of age and within 1 or 2 years after attaining majority, the applicant had approached this Tribunal. So, in view of the circumstances of this case, it is very difficult to say that there are laches on the part of the applicant in approaching this Tribunal. Of course, the father of the applicant had not approached the competent authority on behalf of the applicant herein to provide the suitable job as and when the applicant attained majority. For what reasons, the father of the applicant has not approached the competent authority is not made known.

To


1. The Chief Personnel Officer,  
S.C.Railway, Railnilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer,  
S.C.Railway, Guntupally Wagon Workshop,  
Guntupalli, Krishna Dist.
3. One copy to Mr.K.Lakshmi Narasimha, Advocate, 16-11-20/13  
Saleemnagar, Hyderabad.
4. One copy to Mr.C.venkata Malla Reddy, SC for Rlys. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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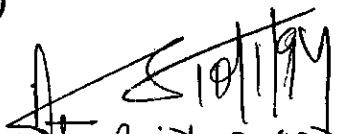
to us. But the Railway Board letter dt. 31.12.82/  
1.1.83 makes it clear that the Son, Daughter have got  
to be considered to the job, in case where 50 percent  
of the land belonging to the family had been acquired  
or 2 acres of land had been acquired by the respondents.  
So as the applicant was a minor up to the year 1991 he  
cannot be found fault for his father not approaching the  
competent authority during the minority period of the  
applicant for providing a suitable job to the applicant.  
In our opinion the applicant has got to be considered  
for appointment in the light of the Railway Board  
letter dt. 31.12.82/1.1.83. Hence the respondents are  
hereby directed to consider the case of the applicant  
to provide suitable appointment to the applicant as  
per Railway Boards letter No. E(NG) II/82/RC/1/95,  
dt. 31.12.82/1.1.83.

8. The respondents shall implement the judgement  
within 3 months from the date of the communication of  
the same. OA is disposed of accordingly. No Costs.

  
(T. CHANDRASEKHARA REDDY)  
MEMBER (JUDL.)

Dated : The 17th December 93.  
(Dictated in Open Court)

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Deputy Registrar (J)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : 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 (J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 17-12-1993

ORDER/JUDGMENT:

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

O.A.No.

1033<sup>in</sup>/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

