

O.A.No. 52/94

U.P.

O R D E R

(As per the Hon'ble Sri A.B. Gorthi, Member (A))

The applicant who was ~~working~~ ^{appointed} on compassionate grounds in a Group-D post claims by means of this application that, keeping in view his academic qualification, the ~~respondents~~ ^{respondents} should have considered him for appointment to Class-III post.

2. The applicant passed B.Com. and was studying in M.Com. His case for compassionate appointment was considered by the respondents and he was appointed to a Group-D post.

3. The respondents, in their reply affidavit ^{have} ~~has~~ stated

post was considered by a screening committee. But in the test that was conducted the applicant did not secure the required number of marks and as such he was found unsuitable for appointment to Group-C post. The respondents, therefore offered only a Group-D post to the applicant, who is now working in that post.

4. Sri R. Brijmohan Singh, learned counsel for the applicant has drawn our attention to Railway Board's order dt. 25-6-85 Para-2(ii) which reads as follows:

"If the ward possesses the prescribed minimum educational qualification, he should be considered for appointment in a Group 'C' post for which he may be suitable and eligible. If, however, he is found unsuitable for one Group 'C' post, he should be considered for an alternative Group 'C' post for which he is eligible and suitable."

5. On the authority of the aforesaid Railway Board's order the applicant's counsel urged before us that the respondents should have considered the eligibility of the

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(G)

Applicant for an alternative Group-C post. In this context, Sri D.F. Paul, learned standing counsel for the respondents has shown us the record of the proceedings of the Screening Committee and the result of the test conducted. From the record it is evident that the applicant did not secure the required minimum percentage of marks for Group-C post. We also found that the minimum required percentage has been lowered for appointment to ~~which~~ ^{find} which also the applicant was considered. As the applicant did not secure the required percentage of marks even for the post of Artisan which is also a Group-C post, the applicant was found not suitable for appointment as an Artisan also. From the record it is clear that the ~~.....~~ Para-2 (ii) of the Railway Board's order dt. 25-6-85 by considering the applicant for an alternative Group-C post also.

6. In the aforesated circumstances, we find no irregularity or any illegality in the action of the respondents in denying the applicant's appointment in a Group-C post. The application is therefore dismissed, but in the circumstances ^{with} the order as to costs.

T. Chandrasekhar Reddy
(T. Chandrasekhar Reddy)
Member (J)

A. B. Gorathi
(A. B. Gorathi)
Member (A)

Dt. 17-6-1994
Open Court dictation

Deputy Registrar
DEPUTY REGISTRAR (J)

kmv

contd...

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TEMPED 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. G. RTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKAR REDDY
MEMBER(C UDL)

AND

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

Dated: 17- 6 -1994.

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

O.A. No. 52/94

T.A. No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions
Dismissed.

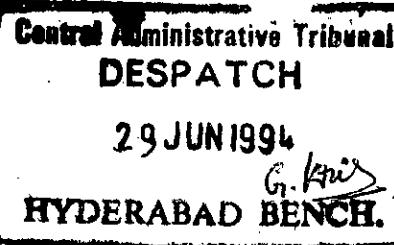
Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs

pvm



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