

31

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.No.1437 OF 1995.

Date of Order: 18-6-1998.

Between:

B. Murali Krishna.

.. Applicant

and

1. The Chairman, Railway Recruitment Board, Bombay Central, Bombay-400 008.

2. Assistant Secretary, Railway Recruitment Board, Divisional Office Compound, Bombay Central, Bombay-400 008.

.. Respondents

COUNSEL FOR APPLICANT :: Mr. P. Krishna Reddy

COUNSEL FOR RESPONDENTS :: Mr. C. V. Malla Reddy

CORAM:

THE HON'BLE SRI R. RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B. S. JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

AS PER HON'BLE SRI R. RANGARAJAN, MEMBER (ADMN) )

Heard Mr. Rama Rao for Mr. P. Krishna Reddy, learned Counsel for the Applicant and Mr. C. V. Malla-Reddy, learned Standing Counsel for the Respondents.

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2. The Railway Recruitment Board, Bombay issued an Employment Notice 1/94 published in the Employment News dated 16-22/7/1994 inviting applications for categories of post/required for Western Railway, Konkan Railway and Central Railway. As per the notification, the last date of receipt of applications was 31-8-1994. The applicant who was residing at Guntakal is stated to be fully qualified for the post of Apprentice Assistant Driver (Diesel/Electrical) in the scale of Rs.950/-1500 which is listed as Category No. 15 in the Employment Notice. He applied for that post.

3. The applicant appeared for the written examination held on 9-4-1995. It is stated that the Interview was to be held on 7-8-1995 at 9.00 A.M. but the applicant received the call letter late for the Interview and it is stated that the letter by which the call letter was issued bears the stamp of the Guntakal Post Office dated 16-8-1995, hence he represented his case to the Secretary, Railway Recruitment Board, Bombay on 23-8-1995. It is stated that he was not given any reply.

4. This O.A. is filed praying for a direction to the respondents to appoint the applicant for the post of Apprentice Asst. Driver (Diesel/Electrical) from the date on which the other candidates were appointed after holding the regular interviews.

5. An Interim Order was issued in this O.A. on 24-11-1995. By this Interim Order, R-2 was directed to permit the applicant to appear for the interview in case the same is going to be held on 1-12-1995 or thereafter

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for the purpose of selecting candidates for the post of Apprentice Assistant Driver (Diesel/Electrical) in response to the advertisement in Employment Notice No.1/94 of 15 category. However, the result of the interview after interviewing the applicant shall not be finalised or published till further orders.

6. A reply has been filed in this O.A. The learned Counsel for the Respondents submit that the applicant approached the Railway Recruitment Board on 11-12-1995 ~~informed wait~~ and he was ~~interviewed~~. As he has not undergone the Psycho test as well as interview he cannot be appointed. It is also stated that the process of interview and posting of candidates in response to the notification in Employment Notice No.1/94 which is already over and at this stage it will not be feasible to consider his case for the above referred post.

7. We questioned the learned Counsel for the Applicant as to why he was not interviewed inspite of the Interim Order dated 24-11-1995. We have also asked him to produce the interview result as he should have been interviewed in view of the Interim Order dated: 24-11-1995.

8. The learned Counsel for the Respondents produced the Order of this Tribunal in MA.No.316 of 1996 in O.A. No.1437 of 1995, dated 25-4-1996. The M.A. was filed praying for a direction to the respondents to interview the applicant for the post of Apprentice Asst.Driver (Diesel/Electrical) immediately, or in the alternative

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to reserve One post of Apprentice Asst. Driver (Diesel, Electrical), pending the disposal of the O.A. As seen from the contents of the M.A., the applicant has stated that he waited for more than 10 days after he approached the Board but he was not given any call for interview. He also submits that the authorities had informed him that the Railway Recruitment Board, Bombay is going to intimate the applicant about the date of interview. But the applicant did not wait for the interview and filed the M.A. No. 316 of 1996 in this O.A. praying as above. By the Orders in the above M.A. due to his unnecessary hurry he had spoiled his chance for getting interview. The M.A. No. 316 of 1996 was disposed of as follows:-

"None for the applicant. Direction given on 24-11-1995 cannot be availed of now.

The right of the applicant for the reliefs prayed for in the original O.A. will be adjudicated at the hearing of the O.A. No case for interim direction. M.A. disposed of."

9. In view of the direction in M.A. No. 316 of 1996 the applicant lost the opportunity of getting interviewed by the earlier interim direction dated 24-11-1995. The applicant took no action either to review that Order or to get a favourable order either from this Tribunal or from the Appellate Court. Hence in the face of the direction in M.A. No. 316 of 1996 it is not possible to insist the respondent-authorities to interview him now. The O.A. has to be disposed of on the basis of the material available on record.

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10. The applicant submits that he received the call letter late and hence he could not present for interview on the appointed date. The above is not the fault of the respondents viz., the Railway Recruitment Board, Bombay. It is / Postal Delay. The Railway Recruitment Board cannot be held responsible for that. Further the applicant has stated earlier, though obtained a favourable order for interviewing him at a late date, he spoiled that opportunity in view of the direction given in M.A.No.316 of 1996. The Employment Notice No.1/94 was issued on 16-22/7/94. It is about 4 years now after the issue of the Employment Notice. It will be difficult for the authorities to keep a post which is needed in operational sphere to be vacant for a period of 4 years. Further if the applicant is going to be interviewed now, there will be many complications as he may request for seniority and other consequential benefits from the date when a candidate was posted in response to the notification No.1/94. Such unsettling of the position cannot be viewed lightly. The applicant has not insisted upon hearing this case also early by filing a petition for early hearing. Considering the above facts, we are of the opinion that any direction given to consider the applicant for the post of Apprentice Asst.Driver (Diesel/ Electrical) at this late hour is not <sup>possible</sup> acceptable and also it will cause harm to the Organisation as well as to those who <sup>were</sup> ~~are~~ already employed in pursuance of the notification.

11. In view of what is stated above, we find that the O.A. has to be dismissed, though we sympathise <sup>in the right</sup> ~~it is he who~~ that the applicant himself is responsible for the situation created now.

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## Copy to:

1. The Chairman, Railway Recruitment Board, Bombay Central, Bombay.
2. Assistant Secretary, Railway Recruitment Board, Divisional Office Compound, Bombay Central, Bombay.
3. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr. C. V. Malla Reddy, Addl. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

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II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M (J)

DATED: 18/6/98

ORDER/JUDGMENT

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

in

O.A.NO. 1437/05

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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