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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.404 of 1995.

Between

Dated: 30.8.1995.

V.Ramanjaneyulu

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Applicant

And

1. The Union of India through Secretary, Government of India, Ministry of Railways, New Delhi.
2. The Divisional Railway Manager (Personnel), South Central Railway, Guntakal.
3. The General Manager, S.C.Railway, Railnilayam, Secunderabad.

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Respondents

Counsel for the Applicant : Sri. R.Brismohan Singh

Counsel for the Respondents : Sri. J.Siddaiah, SC for Rlys.

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

Contd:....2/-

O.A. 404/95.

Dt. of Decision : 30-08-95.

ORDER

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

The request of the applicant is for a -----
to the respondents to give him appointment in any Group-C
post on compassionate grounds.

2. The father of the applicant while working as
Peon, Guntakal Railway Division died on 17-06-1992. The
applicant made a request to the authorities concerned to
give him appointment in any Group-C post as he is educationally
qualified for such a post. In response to his request the
respondents called him ^{for} a written test for assessing his
suitability for appointment to a Group-C post. Vide letter
dated 22-03-1993 issued by the Divisional Office, Guntakal
it is clear that the applicant qualified in the written
examination held on 20-02-1993 for Artisan as well as non-
Artisan posts, and was called for viva-voce to be held at
short notice. The applicant states that he appeared for the
viva-voce on 23-04-1993 ^{and} ~~performed~~ satisfactorily thereat.
But to his surprise ^{he} ~~received~~ memo dated 16-09-1993 informing
him that "the competent authority approved his appointment
to a Group-D post on compassionate grounds". He was further
informed that his name figured at Sl. No.139 as on 16-09-1993
and that he would be given appointment to a Group-D post in
his turn as ~~and~~ when vacancies arise.

3. Heard learned counsel for both the parties. Learned
counsel for the applicant states that the applicant having
satisfied all the requirements for selection to a Group-C post,
the respondents ought to have considered ^{the} ~~the~~ case of the applicant
for appointment to a Group-C post only. Admittedly, compassion

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appointment can be to a Group-C post also, provided a candidate does possess the requisite qualification for the said post. Learned counsel for the applicant has drawn my attention to a decision of the Tribunal in OA. 670/94 on the file of this Bench of this Tribunal, wherein, the applicant, who was selected for appointment to a Group-C post, was offered appointment in Group-D post only. The Tribunal directed the respondents to consider the applicant in the said OA for appointment to a Group-C post, because the applicant had appeared for the written test and viva-voce for selection to a Group-C post and qualified in both the tests.

4. Learned counsel for the respondents states that the para-wise comments are available and from the same it is seen that the applicant secured more than 50% marks in the written test and in the viva-voce also he secured more than 50% marks. It is further stated that the screening committee found him suitable for appointment in a Group-C post and accordingly his case was forwarded to the zonal office for the approval of the General Manager for appointment of the applicant in a Group-C post. From the above it would be evident that the case of the applicant is identical to that of the applicant in above-mentioned OA.No. 670/94.

5. In view of the afore-stated, this OA is disposed of with the following directions to the respondents:-

(a) The case of the applicant will be considered for appointment to any Group-C post, provided, ofcourse, he is found medically suitable and fulfil all the other requirements for appointment to the said post.

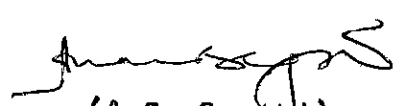
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b

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(b) The appointment of the applicant to a Group-C post will be in his own turn and as and when vacancy arises. His position for appointment to a Group-C post will be intimated to him within one month from the date of communication of this order.

6. The OA is ordered accordingly. No costs.


(A.E. Gorthi)
Member (Admn.)

Dated : The 30th August 1995.
(Dictated in Open Court)

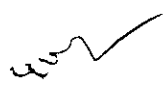

Deputy Registrar (Judl.)

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Copy to:-

1. The Secretary, Government of India, Ministry of Railways, Union of India, New Delhi.
2. The Divisional Railway Manager (Personnel), South Central Railways, Guntakal.
3. The General Manager, S.C. Railway, Railnilayam, Secunderabad.
4. One copy to Sri. R. B. Bizmohan Singh, advocate, CAT, Hyd.
5. One copy to Sri. J. Siddaiah, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-



07. 404/95

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

~~HON'BLE MR. JUDICIAL MEMBER.~~

ORDER/JUDGEMENT: ✓
DATED: 30.8.1995.

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

IN 404/95

O.A.NO.

~~T.A.NO. (W.P.NO.)~~

~~ADMITTED AND INTERIM DIRECTIONS ISSUED.
ALLOWED.~~

~~DISPOSED OF WITH DIRECTIONS.~~

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

~~NO ORDER AS TO COSTS.~~

Rsm/-

No spare copy
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Central Administrative Tribunal
DESPATCH
15 SEP 1995
HYDERABAD BENCH

V/c