

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

...
O.A.No.423/95.

Date of decision: April 11, 1997.

Between:

B.J.Sudhakar Babu.

Applicant.

And

- 1.The Chief Personnel Officer,
Rail Nilayam, Secunderabad.
- 2.Senior Divisional Personnel Officer,
South Central Railway, Guntakal,
Anantapur District
3. Asst. Personnel Officer, South
Central Railway, Guntakal, Anantapur
District.

Counsel for the Applicant: Sri G.Ramachandra Reddy.

Counsel for the Respondents: Mr. Francis Paul.

CORR: The Hon'ble Shri R-Rangarajan: R(A)

JUDGMENT.

(By Hon'ble Shri R. Rangarajan, Member (A).
..

None for the applicant.

Mr. Francis Paul for the Respondents.

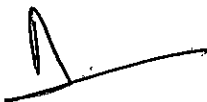
The applicant in the O.A., submits that he was appointed as A.P S. Khalasi on daily wages on 3-4-1978. He worked as a casual Labourer in the Department of Inspector of Works, Guntakal till 30--12--1984. His case is that he took treatment from a Private Doctor from 1-1-1985 to 3-8-1985 and hence he was absent from duty on medical grounds. Thereafter he is stated to have approached the Authorities for taking him back by ~~sub-~~

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submitting a Medical Certificate. It is his case that he could not get the certificate from a Railway Doctor as the locality where he underwent Medical treatment, there was no Railway Dispensary. He further submits that he belongs to Scheduled Caste Community and he is entitled for re-engagement. He also submits that similarly situated employees who were di-continued from service and whose initial appointment is later to the applicant were reinstated/reengaged into service on 30--6--1994.

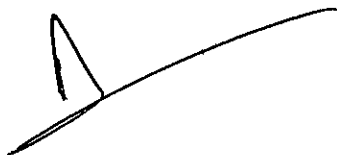
In view of the foregoing, the applicant prays in this application for a direction to the respondent to reinstate him as APS Khalasi giving him all consequential benefits.

No reply has been filed in this O.A. However, the learned counsel for the respondents, Mr. Francis Paul argued the case on the basis of ----- by the respondents that the applicant left the service from 26--3--1984 and he has not worked upto 30--12--1984 as averred by him in the O.A. The applicant was not retrenched but he left the service



on his own. He approached the Authorities for reinstatement only on 26--7--1990. His unauthorised absence from 26--3--1984 to 26--7--1990 cannot be condoned as it is more than five years. Further, the applicant cannot demand reinstatement just because he belongs to Scheduled Caste Community. No names of his juniors reported to have been reinstated are mentioned by him in the application. Hence, the counsel for the respondents submits that the O.A., is bereft of merits and has to be dismissed.

In the circumstances quoted above, no direction can be given in this O.A., for his reinstatement. But it is not clear whether he is eligible for inclusion of his name in the live Register or not. As the learned counsel for the applicant was also not present, this position cannot be checked further. However, the applicant may submit a detailed representation to Respondent No.2 for his re-engagement and if such a representation is received, Respondent No.2 should consider the same in accordance with law and give a suitable reply to the applicant.



Copy to:

1. The Chief Personnel Officer, Railmilayam, Secunderabad.
2. Senior Divisional Personnel Officer, South Central Railway, Guntakal, Ananthapur District.
3. Asst. Personnel Officer, South Central Railway, Guntakal, Ananthapur District.
4. One copy to Mr. G. Ramachandra Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. Francis ---, --- CAT Hyderabad.
6. One copy to D.R.(A), CAT, Hyderabad.
7. One duplicate copy.

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8/6/97
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 11/4/98

ORDER/JUDGEMENT

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

in

O.A.No. 423/95

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

