

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.
OA. 350/96.

Date of order: 14-3-96.

Between:-

M. Vijaya Gopal ... Applicant.

And

1. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer, Carriage Repair Shop, South Central Railways, Tirupathi.

... Respondents.

Counsel for the Applicant: Mr. K. Sudhakar Reddy

Counsel for the Respondents: Mr. V. Rajeshwar Rao, CGSC.

CORAM:

HON'BLE MR. JUSTICE M.G. CHOWDHARY, VICE CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (A)

OA 350/96.

Dt. of Order: 14-3-96.

(Per Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman).

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Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Sri V.Rajeshwar Rao, learned standing counsel for the Respondents.

2. The facts of the case are not very happy. The Respondents after having prepared a ~~list~~ select panel for the posts of Skilled Artisans (Mechanical Branch) vide notice dt.25-6-93 did not offer appointment to all the selected candidates. Instead expressing that there may not be possibility for absorption in Gr.III, they called for options from the selected candidates for accepting appointment in Group-D post. The applicant was one of the selected candidates for Group-III. It is stated that being in dire need of some employment, he exercised the option to accept appointment in Group-D post. Annexure-I shows that the options were called on 29-8-94 and the last date for exercising option was 13-9-94. As stated above, the applicant exercised the option. Clause-12 of Annexure-I shows that the final decision informing the offer of appointment in Group-D post was supposed to be conveyed as early as possible. The concept "as early as possible" can mean only a reasonable time and not anordinate delay. Since 13-9-94 considerable time has elapsed and the grievance of the applicant is still is that he has not been given appointment in Group-D post. The Respondents are expected to ~~apply~~ comply with their promise within a reasonable time. We see no justification for their being unable to provide appointment to

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... 3.

the applicant in group-D post who appears to have been ^{at} in the Sl.No.165 amongst the empanelled candidates for training skilled Artisans till date. The applicant contends that there are vacancies presently available but the respondents are trying to appoint outsiders and freshers instead of offering the appointment to applicant, who desires the job. We are satisfied that the applicant deserves to be considered for appointment without further loss of time. We may mention that the case of the applicant is similar to the O.A.633/95 and the directions given in that O.A. ~~permitted~~ ^{should have} persuaded — the respondents not to delay the appointment of optees who have exercised option way back in 1994.

3. We therefore direct the respondents that if there are any vacancies existing at present and if there being no vacancy immediately available, then as soon as a vacancy ^{will be} available, the applicant shall be offered the appointment on priority basis ~~and~~ ⁱⁿ any case before considering appointment of any outsiders or freshers. It also appears to us that the said course should be adopted in respect of all the optees under the notification dt.29-9-94, particularly having regard to the earlier order of the Tribunal and otherwise as injustice will be perpetrated, which the organisation like the respondents cannot be allowed to perpetrate.

4. We hope that the respondents ^{will} make an endeavour to comply with these directions expeditiously. O.A. disposed of ^{in terms} ~~interim~~ of the above order. No costs.

H. RAJENDRA PRASAD
(H.RAJENDRA PRASAD)
Member (A)

M.G.CHAUDHARI
(M.G.CHAUDHARI)
Vice-Chairman

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Dated: 14th March, 1996.
Dictated in Open Court.

Arjan
22-3-96
Repetit Registration

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Copy to:-

1. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer, Carriage Repair Shop, South Central Railways, Tirupathi.
3. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr. V. Rajeshwar Rao, CGSC, CAT, Hyd.
5. One spare copy.

6) One copy to Library,

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of. 350/96

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO

VICE CHAIRMAN

And

AND

THE HON'BLE MR. R. RANGARAYAN : M.A.

Dated: 14-3-1996

ORDER/JUDGMENT

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

in

O.A. No. (350) 96

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.

No Spare copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रेषण/DESPATCH

25 MAR 1996 NEW

हृदराबाद न्यायपीठ
HYDERABAD BENCH