

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT HYDERABAD

## ORIGINAL APPLICATION NO.372 of 1996

Date of Judgement: 27.3.96

Between:

W.Ravi Prakash

.. Applicant

and

- The Chief Personnel Officer, South Central Railway, Secunderabad.
- The Deputy Chief Mechanical Engineer, Carriage Repair Shop, Tirupathi,
- The Workshop Personnel Officer, Carriage Repair Shop, S.C.Railway, Tirupathi.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI B.Rajendra

COUNSEL FOR THE RESPONDENTS: --

## CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

## $\verb"JUDGEMENT"$

(AS PER HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

Heard Shri B.Rajendra, learned counsel for the applicant. The facts of the case are not very happy. The Respondents after having prepared a select panel for the posts of Skilled Artisans (Mechanical Branch) vide notice dt. 28.6.93 did not offer appointment to all the selected candidates. Instead expressing that there may not be possibility for absorption in Gr.III.

J. 13.



they called for options from the selected candidates for accepting appointment in Group-D post. 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- 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-4 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 an inordinate delay. Since 13.9.94 considerable time has elapsed and the grievance of the applicant is still that he has not been given appointment in Group-D post. The Respondents are expected to comply with their promise within a reasonable time. We see no justification for their being unable to provide appointment to the applicant in Group-D post. boksiknenkenkende. Bebledilikken en beskende de sammer d there are vacancies presently available but the respondents are trying to appoint outsiders and freshers instead of offering the appointment to the 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 OA 633/95 and the directions given in that OA 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 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 an 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 of the above order. No costs.

(H.RAJENDRA PRASAD) MEMBER (ADMN.)

27 MAR 96.

DATED: 27th March, 1996. Open court dictation.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI VICE-CHAIRMAN

THE HON BLE MR. H. RAJENDRA PRASAD :M(A)

Dated: 27 - 3 -1996

ORDER JUDGMENT

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

in

O.A.No. 372/96

T.A.No.

(w.p.

Admitted and Interim Directions

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रसासनिक विधिकरण Cantral Administrative Tribunal द्रेवण /DESPATCH

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