

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.441/96

dt.9-4-96

Between

P. Sridhar

: Applicant

and

1. The Chief Personnel Officer
SC Rly., Rail Nilayam
Secunderabad

2. The Dy. Chief Mechanical Engineer
Carriage Repair Shop
SC Rly., Tirupathi : Respondents

Counsel for the applicant : K. Sudhakar Reddy, Advocate

Counsel for the respondents : C.V. Malla Reddy, SC for
Railways

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGEMENT

(Oral order per Hon. Mr. Justice M.G. Chaudhari, V.C.)

Heard Mr. K. Sudhakar Reddy, learned counsel for
the applicant and Sri C. Venkat Malla Reddy, learned
counsel for the respondents.

2. The fact situation in this case is similar as
relating to the applicant in OA.350/96 which was disposed
of by us on 14-3-1996. For the reasons recorded in that
OA, we are inclined to pass a similar order.

hck

3. Although the purpose of the applicant will be served by the order which we are inclined to pass, we are troubled with the approach of the respondents to persons like the applicant. The fact revealed not only from this application but similar applications which came before us earlier is that the respondents through D. Mechanical Engineer, Carriage Repair Workshop, SC Railway, Tirupathi, had by notice dated 14-4-1993 invited applications through the Employment Exchange for recruitment to the posts of Trainee Skilled Artisans in the scale of Rs.950-1500 in Mechanical/Electrical Departments of Carriage Repair Shop, South Central Railway, Tirupathi. Various persons including the applicant were sponsored and submitted their applications.

4. From letter issued by the authority dated 28-6-93 the applicant was informed that he was selected for appointment to the post of Trainee Skilled Artisan in a temporary capacity on a stipend of Rs.950 p.m. etc. The applicant accepted the offer. However, instead of issuing a letter of appointment to the post, the respondents issued letter dated 29-8-1994 informing him that although he has been placed in the select panel for the post of Skilled Mechanical Branch, however, it was now seen that there is no possibility of appointment in the grade of Trainee Skilled Grade III. Thus the applicant has been denied appointment. Instead by the same letter he was further informed that as there was no possibility for appointment in the grade of Trainee Skilled Artisan Gr.III, but in case he was prepared to accept appointment in Group-D, he may give his written consent within 15 days. The applicant

.3.

hll

20

gave his consent on 8-9-94. However, even so he has not been offered even Group-D post. In the first place after having held the selection for Gr.III posts, it is surprising as to how the respondents could get away from that exercise merely by saying that there may not be possibility of appointment to that post. After all by issuing a notification and inviting applications, then holding selection process and conveying offer to the applicant for Grade III post, a sort of a promise had emanated from the respondents and it could not be lightly nullified. The respondents give an impression of utilising the services of persons selected for Group-C in Group-D posts. Persons like applicant mostly by force of circumstances and possibly because of their hard economic condition and being in dire need of some employment subject themselves to accept the lower post. This, however, is not treating them fairly. That apart, even thereafter not providing any appointment even in Group-D post is still much more unfair to them. It would be reasonable to assume that when applications are invited and selection process is carried on for filling up some posts these necessarily must be available. How all of a sudden that possibility is lost and the persons like the applicant are left in lurch is not easy to comprehend nor it can be regarded a wholesome situation in the administration of the Railways. Indeed, Rule of Estoppel may arise. In the circumstances, we would desire the General Manager, South Central Railway, to seriously apply his mind and take suitable steps to remedy the situation and avoid recurrence of the same in future. Such a step on the part of the

hull

(21)

4

General Manager is desirable in the interest of the large number of similarly placed persons who anticipate some employment and in pursuance of the assurances made by the Railways in the hope that it will be fulfilled. We hope that after the General Manager makes a policy decision in this respect he shall be good enough to apprise this Tribunal of the same through the counsel for the Railways even though the present DA may not be pending.

5. We are also perturbed at the manner in which the offer of Group-D posts has been couched. After all an unemployed person who applies for a post with the Government of India or the Railways is entitled to be treated with respect. He should not be treated as if he has come with a begging bowl since he comes with a legitimate aspiration to get the job advertised. Moreover, when the applicant was empanelled for Group-C post, how he could go out of the panel merely because the panel had expired on his accepting Group-D post is also not easy to comprehend. Indeed, he could claim appointment to Group-C post. Such not being the relief pressed in the instant application, we are not called upon to decide that question. Yet as the question has wider implications and may arise in some other case, we desire a comprehensive consideration of the matter by the General Manager.

6. Hence, the following order :

We therefore direct the respondents that if there is any vacancy existing at present and if there be no

..5.

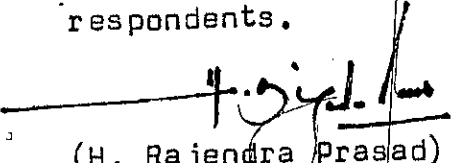
hll

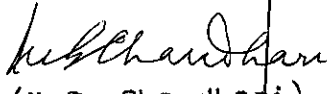
(22)

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 outsider or fresher. It also appears to us that the said course should be adopted in respect of all the optees under the notification dated 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 ought not allowed to perpetrate.

7. The OA is disposed accordingly.

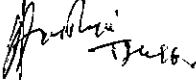
8. A copy of this order be sent to the General Manager, South Central Railway, in addition to copies sent to the respondents.


(H. Rajendra Prasad)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : April 9, 96
Dictated in Open Court

Deputy


Registrar (D)

sk

28

-6-

OA.441/96.

1. The Chief Personnel Officer,
SC Rly Railnilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer,
Carriage Repair Shop, SC Rly, Tirupati.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.C.V.Malla Reddy, SC for Rlys. CAT.Hyd.
5. One copy to General Manager, SC Rly. Secunderabad.
6. One copy to Library, CAT.Hyd.
7. One copy spare

pvm.

Q/1996

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 9 - 4 - 1996

~~ORDER~~/JUDGMENT

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

in

O.A.No. 444/96

T.A.No.

(w.p.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm

