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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH: AT HYDERABAD.

O.A.No.960 of 1996.

Date of Order :- 3rd September, 1998.

Between :

G. Nagaraju, s/o G. Urukundappa  
aged about 25 years,  
7/150, Kurnool Road,  
Gooty R.S., Ananthapur District. ....

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, Rail Nilayam,  
Secunderabad. ....

Respondents

Counsel for Applicant : Mr. R. Briz Mohan Singh

Counsel for Respondents : Mr. D.F. Paul, S.C. for Railway

CORAM :

THE HONOURABLE MR.JUSTICE D.H. NASIR, VICE-CHAIRMAN

THE HONOURABLE MR.H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R.

Justice D.H.Nasir, Vice-Chairman.

Heard Mr. R. Briz Mohan Singh, learned counsel for the applicant and Mr. D.F. Paul, learned Standing Counsel for the respondents.

2. The applicant in this O.A. prays for a direction to the respondents to appoint him in Group 'C' post in the South Central Railway Service by taking into consideration his educational qualifications and the performance during the selection process.

3. The appointment is to be made on compassionate grounds.

4. The applicant's father who was working as Telecommunicat maintains (TCM) Grade I in the Guntakal Division of South Centra Railway, was medically declassified on account of Epilepsy

and according to the applicant, he was retired on medical grounds after 23½ years of service. The applicant claims to be fully qualified for appointment to any Group 'C' post in the railways and made an application for appointment to any post in Group 'C' category commensurate with his educational qualifications on compassionate grounds. The applicant was allowed to appear at the written test on 19.1.1993 by the second respondent, but the written test was not held and the applicant appeared at the written test on 20.2.1993. He was declared qualified in the written test for the post of Artisan / non-Artisan in Group 'C' and appeared also for the viva-voce test on 23.4.1993. There was no information from the respondents regarding his appointment for quite some time. On 16.9.1993 the second respondent addressed a letter to the applicant that he was considered and approved by the competent authority for appointment in a Group 'D' post. Thereafter the applicant's father made a representation to the third respondent. According to the applicant, he received a letter from the respondents calling <sup>to him</sup> him upon to attend for the training from 10.7.1995 to 31.8.1995 for the post of Railway Porter at the Class IV Traffic Centre, Bellary and stating that if his representations were considered favourably, he might join in any group 'C' posts. He joined the post of L.R. Porter at Nakkanadoddi.

5. According to the respondents, the Screening Committee found the applicant suitable for appointment in Group 'C' posts and his case was forwarded to the General Manager (R-3) for his approval for appointment in Group 'C' post. According to them, the General Manager (R-3) was the competent authority to decide to give the applicant appointment either in Group 'C' post or in Group 'D' post <sup>and</sup> basing on the applicant's eligibility and other factors, he was offered the Group 'D' post.

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6. The propositions of law and the facts arising for this Tribunal's consideration in this case are the same as in O.A.No.959 of 1996 which is being disposed of today by a speaking order. The present O.A. is also required to be concluded with the same order which is stated hereunder :-

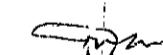
In view of the facts and circumstances as well as <sup>in O.A.No.959/96</sup> the proposition of law being as stated above, we do not see any reason why the applicant's claim should be rejected.

In any case, it is for the respondent No.3 to take a final decision on the basis of the proposition of law as emerging from the ~~xxxxx~~ discussions made in O.A.No.959/96. Hence the present O.A. is disposed of with a direction to the respondent No.3 to re-consider the applicant's case for appointment to any post in Group 'C' category in South Central Railways as and when vacancy arises.

7. The O.A. is disposed of accordingly. No costs.



(H. Rajendra Prasad )  
Member(Admn.)



( D.H. Nasir )  
Vice-Chairman.



Dated the 3rd September, 1998.

DJ/

Deputy <sup>Mr. J.P. Singh</sup> Registrar

O.A.960/96

To

1. The Secretary, Govt. of India,  
Union of India, Ministry of Railways,  
New Delhi.
2. The Divisional Railway Manager(Personnel)  
SC Rly, Guntakal.
3. The General Manager,  
SC Rly, Railnilayam, Secunderabad.
4. One copy to Mr. R. Brizmohan Singh, Advocate, CAT.Hyd.
5. One copy to Mr. D. F. Paul SC for Rlys, CAT.Hyd.
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

pvm.

23/9/98  
TYPED BY

I COURT

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE D.H.NASIR:  
VICE-CHAIRMAN

AND

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

DATED: 3-9-1998.

ORDER/JUDGMENT

M.A/R.A./C.L.NO.

in

O.A.NO.

960/96

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.

PVMS

