

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.607/97

dt. 9-7-97

Between

G. Penchalaiah : Applicant

and

1. General Manager
SC Rly, Personnel Branch
Secunderabad

2. Divnl. Rly. Manager
Personnel Branch
SC Rly., Vijayawada

3. Asstt. Engineer
SC Rly., Samalkot(RS)
East Godavari Dist. : Respondents

Counsel for the applicant : Ch. C. Krishna Reddy
Advocate

Counsel for the respondents : V. Rajeswara Rao
SC for Railways

CORAM

HON. MR. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

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OA.607/97

dt.9-7-97

Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.))

Heard Sri Ch. C. Krishna Reddy, for the applicant and Sri V. Rajeswara Rao for the respondents.

1. The applicant in this OA was medically decategorised while working as Gangman and was declared fit for jobs in class B-I and B-II as per visual standard for light duties by proceedings dated 12-7-1995 vide No.B/MD.84/P (Annex.II). A screening was held for absorption of decategorised employees. It is stated that he was given the job of Safai-wala as per his medical standard as recommended by the Screening Committee. But it is stated that he had not accepted that offer of appointment. In view of the above he was discharged from service by impugned memo No.ES/11/ME dated 17-1-96.

2. He represented his case for alternate appointment by his letter dated 6-12-1996 (Annexure IV to the OA). His representation was disposed of by impugned order dated 10-12-1996 rejecting his claim for alternative appointment as he refused to accept alternative post when offered.

3. This OA is filed for setting aside the impugned letter dated 10-12-1996 (Annexure-I) and for a consequential direction to the respondents to appoint him in any suitable alternative post.

3. A reply has been filed in this OA. It is stated in the reply that the applicant was called to appear before the Screening Committee for providing alternative job on 28-8-95, 21-11-1995, and 2-1-1996. The applicant did not attend the

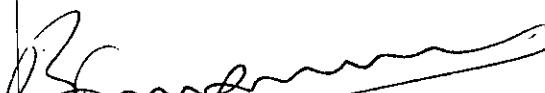
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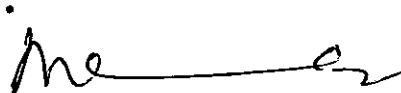
the Screening Committee on 28-8-95 and 2-1-96. He attended the Screening Committee on 21-11-1995 and expressed his unwillingness to ^{accept} the post of Safaiwala offered to him. The learned counsel for the respondents also produced the record containing recommendation of the Screening Committee wherein it was recorded that the applicant expressed his unwillingness to join as Safaiwala. The applicant was discharged as per the extant rules, since extra ordinary leave from though 8-7-1995 had expired on 3-1-1996. The applicant accepts that he expressed his unwillingness once for the post of Safaiwala, relying on the para 1315 of IREM Vol.I, submits that offer should be made more than once as per the above para. He was not given the second chance to accept alternative post. Even now, he submits, that he is willing to accept the post of Safaiwala if offered.

4. In view of the above submission we feel that the applicant may submit a suitable representation addressed to Respondent-1 for considering him for the post of Safaiwala. If such a representation is received by Respondent-1, he should consider the same in accordance with law and suitably advise the applicant within two months from the date of receipt of the representation.

5. With the above direction the OA is disposed of at the admission stage itself. No costs.

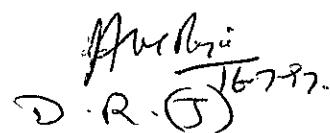

(B.C.S. Jai Parameshwar)
Member (Judl.)

9.7.97


(H. Rangarajan)
Member (Admn.)

Dated : July 9, 97
Dictated in Open Court

sk


D.R. (J) 16787

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Copy to:

1. The General Manager, South Central Railway, Personnel Branch, Secunderabad.
2. Divisional Railway, Manager, Personnel Branch, South Central Railway, Vijayawada.
3. Asst.Engineer, South Central Railway, Samalkot, East Godavari District.
4. One copy to Mr.C.Krishna Reddy, Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

YLKR

25/7/97

(2)

HYDERABAD

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI F. RANGARAJAN: M(A)

AND

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

DATED

9/7/97

ORDER/JUDGEMENT

M.A./P.A./C.R./NO.

D.A. NO. 607/97

Admitting and Determining Directions
Issued.

Alleged

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLR

II Court.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
HYDERABAD BENCH

24/7/1997

हैदराबाद अधिकारण
HYDERABAD BENCH