

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.883/99

dt.13-7-99

Between

M. Someswara Rao : Applicant

and

1. Union of India, rep. by
the General Manager
SE Rly, Garden Reach
Calcutta

2. Divnl. Rly. Manager(P)
SE Rly, Waltair

3. Sr. Divnl. Personnel Officer
SE Rly., Waltair : Respondents

Counsel for the applicant : S iva , Advocate

Counsel for the respondents : CV Malla Reddy, SC for Rlys.

Coram

Hon. Mr. R. Rangarajan, Member(Admn)

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

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Order

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

Heard Mr. Siva for the applicant and Mr. C. Venkat Malla Reddy for the respondents.

1. The applicant in this OA is an outsider who applied for the railway service for consideration for the post of Gangman in response to notification dated 9-5-1998 (A-3). The applicant was called for a viva-voce ~~vide~~ call letter No.WPT/5/Gangman/DMR/98 dated 23-5-99 (Annex.1).

2. The applicant submits that when approached for consideration of his case the same was denied in view of the instructions given under Column 11 of the notification dated 9-5-98. Column 11 is reproduced below :

"No application will be received directly by AENs offices, DRM's office or Personnel Department. Applications received directly by these offices or any other offices shall stand automatically rejected, without any notice. Applications from candidates other than wards of Railway employees shall be sponsored by the concerned Employment Exchanges only. Wards of Railway employees working within the Geographical jurisdiction of Waltair division are only eligible to apply excluding special cases as per extant practice."

3. It is noted from the column 11 that the wards of the Railway Employees need not be sponsored by the Employment Exchange but others will be considered only if their names are sponsored by Employment Exchange. The name of the ^{Ward} applicant is not sponsored by the Employment Exchange.

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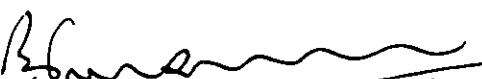
We find instructions to consider those candidates whose names are ~~not~~ sponsored by the Employment Exchange in ~~Contravention of~~ ^{Hon'ble} ~~accordance with~~ the judgement of the Supreme Court ~~referred~~ in the case of Excise Superintendent, Malkapatnam, Krishna and others. District vs. KBN Visweswara Rao and others (1996(6)SCALE676).

4. Hence, even if the applicant's name is not sponsored by the Employment Exchange, his name should also be considered as prayed for in the OA for the post of Gangman.

5. Hence we dispose of the OA with the following direction :

The case of the applicant should also be considered along with others for appointment in the post of Gangman in South Eastern Railways, in view of the fact that he had already applied for the post ^{in my favor} ~~in view of~~ of the notification dated 9-5-1990.

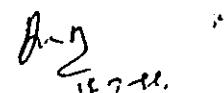
6. The OA is disposed of at the admission stage itself. No costs.


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

13.7.99.


(R. Rangarajan)
Member (Admn.)

Dated : July 13, 1999
Dictated in Open Court


Amulya

sk

1st AND 2nd COURT.

COPY TO:-

1. HON. J.

2. H.R.P. M(A)

3. H.B.S. J.P. M(J)

4. D.R. (A) ✓

5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN.)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. D. S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER: Date. 13.7.99

ORDER / JUDGMENT

MA. / RA. / CP. NO

IN

DA. NO. 883/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED..

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

