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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1183/99

dt.16-3-2000

Between s

Sanapathi Juvva

: Applicant

and

1. Divnl. Personnel Officer
SE Rly., Visakhapatnam
Andhra Pradesh

2. Asstt. Engineer
SE Rly., Kirandul
Bastar District
Madhya Pradesh

3. Union of India, rep.by
its Secretary
Dept. of Railways
Govt. of India
New Delhi

: Respondents

Counsel for the applicant

: Siva, Advocate

Counsel for the respondents

: N.R. Devaraj
SC for Railways

Coram

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

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

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1183.99

dated : 16.3.2000

Order

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

Heard Mr. Siva for the applicant and Mr. W. Satyanarayana for Mr. N.R. Devaraj, for the respondents.

1. The applicant in this OA applied for the post of Gangman as an outsider candidate. His application was rejected in view of the fact that the Supervisor has not sent the detailed particulars furnished in column 10 of the application and whose signature should be put in column 11 as having verified and found correct. The applicant submits that he is son of a retired railway employee, ^{and that he} ~~as the~~ applicant filled up column 10 and also enclosed certificate ^{hence} his application should also be considered along with others.

2. This OA is filed praying for a declaration that the action of the Respondent No.1 in rejecting the candidature of the applicant for want of Supervisor's signature at the relevant column of the application is illegal, arbitrary and unconstitutional and for a consequential direction to the respondents to consider his case for appointing him as Gangman pursuant to the Recruitment notice No.WPT/5/Gangman GD/OMR/98 dated 9.5.98 of the Divisional Railway Manager (Personnel), SE Railway, Waltair.

3. An interim order was issued on 16.8.99 by which it was directed that "one post of Gangman under the control of R-2 should be kept vacant until further orders if all the posts under R-2 have not been filled already."

4. The respondents have justified the case showing that the applicant has not got the Supervisor's signature under Column 11 of the application and the applicant cannot be a ward of a retired employee as the applicant was a major and hence they submit the application has to be rejected.



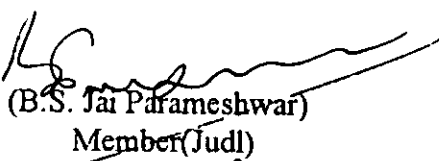


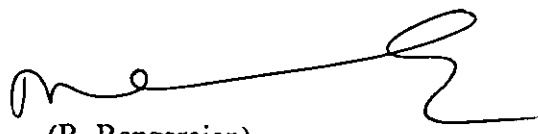
5. To be a ward of Railway employee age has no consideration. He cannot get all other benefits entitled to a ward of a railway employee who is below 18 years. The second contention is unwarranted. As far as the first contention is concerned the case of the applicant is rejected ^{only} just because his application was not signed by the Supervisor. ^{and other} In view of his application was ^{also} rejected stating that his application should have been forwarded through ^{the} employment exchange and as that was not done his case cannot be considered.

6. In a similar case OA.883/99 the same point came up for consideration. ^{both} The facts mentioned in the case are similar and in that ^{the applicant in OA 883/99} case the application was rejected on the ground that the application was not countersigned by the Supervisor in column 11 and that application was also not forwarded by Employment exchange. As this case is exactly similar to the case above, we follow the direction ⁱⁿ that OA.

7. The case of the applicant should also be considered along with others for appointment in the post of Gangman, SE Railway, in pursuance of the notification referred above in view of the fact that he had already applied for the post in pursuance of the notification dated 9.5.98.

8. The OA is ordered accordingly. No costs.


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


(R. Rangarajan)
Member(Admn)

Dated : 16.3.2000
Dictated in Open court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.
HYDERABAD.

1ST AND 11ND COURT

TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

COPY TO

1. HONND

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

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

3. HBSJP. M. (JUDL)

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

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 16/3/00

MA/RA/CE. NO

IN

G.A. NO. 1183/00

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO

