

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1039/99

DATE OF ORDER : 8-9-1999.

Between :-

V.Damodaram

... Applicant

And

1. The General Manager, SC Rlys,
Rail Nilayam, Sec'bad.
2. The Workshop Personnel Officer,
Carriage Repair Shop, SC Rlys,
Tirupathi.

... Respondents

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Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri K.Siva Reddy, SC for Rlys

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

(Order per Hon'ble Shri R.RAngarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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None for the applicant. Heard Sri K.Siva Reddy, learned standing counsel for the Respondents.


2. The applicant in this O.A. submits that he has to be appointed against Land Losers' Quota as his land situated at Sattepally Village was acquired by the Railways for construction of Carriage Repair Shop at Tirupathi. Earlier he filed OA 528/97 on the file of this Bench which was disposed of directing the Respondents to consider the claim of the applicant therein for appointment in any suitable post for which ^{he was} ~~they are~~ eligible. The case of the applicant was rejected by the impugned order No. IR/P.564/DP/Gr.D Vol.IV dated 29.8.1997 (Annexure-I page-10 to the OA) that the applicant is over aged.


3. This OA is filed to set aside the impugned order No. TR/P. 563/Group-D/Vol.IV dated 28.9.1997 as illegal, arbitrary and void-ab-initio and to consider the case of the applicant for appointment against Group-D post by relaxing the age limit as was done in similar cases earlier.

4. No reply has been filed in this O.A. ^{but} ~~eventhough~~ Sri K.Siva Reddy submitted that the applicant is not educationally qualified. The applicant submits that there are cases where the Respondent authorities relaxed the age requirement and hence the applicant's case was not considered accordingly and he was discriminated by rejecting his request stating that ^{he was} ~~the~~ over aged reason. Hence he requests for re-consideration of his case.

5. The impugned order dated 28.7.1998 was passed by Dy. Chief Mechanical Engineer, Carriage Repair Shop, Tirupathi. It may be possible that the said authority may not be empowered to relax age. Hence the case of the applicant should be put up before the ^{appropriate} authority for age relaxation and the resulting order should be communicated to the applicant. While considering the case of the applicant ~~any~~ ^{if any} similar cases ~~are found~~, the ~~same~~ should also be taken into consideration. The contention of the Standing Counsel for the respondents that the applicant is not qualified educationally is not a point for consideration in this O.A.

6. Time for compliance is three months from the date of receipt of a copy of this order. Hence the O.A. is disposed of with the above direction. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
8/9/99


(R. RANGARAJAN)
Member (A)

Dated: 8th September, 1999.
Dictated in Open Court.

Pen
10/9/99.

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