

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.221 of 1999

DATE OF JUDGMENT: 17th DECEMBER, 1999

BETWEEN:

K.RAMESH

.. APPLICANT

AND

1. The Sr.Divisional Personnel Officer,
Personnel Branch,
South Central Railway,
Vijayawada, Krishna Dist,
2. The Divisional Railway Manager,
S.C.Railway, Vijayawada,
Krishna District,
3. The Chief Personnel Officer,
S.C.Railway,
Secunderabad,
4. The District Employment Officer,
Eluru,
West Godavari District.



.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.A.RAMA RAO

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPALA RAO, Adl.CGSC

CORAM:

HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGMENT

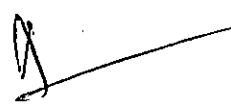
ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicant. Heard Ms.Shakti for
Mr.J.R.Gopala Rao, learned standing counsel for the
respondents.

2. This OA is disposed of under Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. The applicant is an aspirant for the Grup-D post in Railways against Physically Handicapped quota. An Employment Notice was issued calling for applications from the Physically Handicapped persons from the Employment Exchange by the Employment Notice No.1/98 bearing No.B/P.563/PH/RC/Vol.VI, dated 6.10.98 (Annexure-III to the reply). In view of the provisions contained in sub para (viii) (b) of Rule 179 of IREM, an Employment Notice NO.1/98 dated 16.10.98 (Annexure-IV to the reply) was also issued calling applications from the physically handicapped sons/immediate dependents of the Railway employees, who had already registered with the Special Employment Exchanges for Recruitment to Group-D posts against the Physically Handicapped quota such as HH & OH for filling up the vacancies in Group-D. A proforma in which the application has to be made is also enclosed to the Annexure-IV Notice. Those who are willing to apply in response to the Annexure-IV Employment Notice should submit the same in accordance with the conditions contained in that notification and in the proforma enclosed to that notification. The applicant submits that he had submitted his application but he was not called for interview.

4. Aggrieved by the above, he has filed this OA for a declaration that the inaction of the respondents in not issuing the call letter for interview and selection to the post of Group-D in pursuance of the notification issued by




the respondents is illegal, arbitrary unjustified and unconstitutional and for a consequential direction to the respondents to issue call letter by allowing the applicant for interview and selection to the post of Group-D for which he is qualified and issue appointment order basing on such selection.

5. An interim order was passed in this OA on 11.2.99 whereby it was directed that, "as an interim measure, no appointment shall be made against one of the 7 posts notified".

6. A reply has been filed in this OA. The reason for not considering him has been enumerated in para 6 at page 3 of the reply. The contentions are analysed as below:-

The respondents contend that the applicant had not submitted his application in the prescribed proforma. They have also enclosed the proforma in which the applicant had submitted his application. We have perused the proforma in which the application was submitted by the applicant which is enclosed as Annexure-V to the reply. The proforma is entirely different from the proforma enclosed to the notification dated 16.10.98. In the notification issued on 16.10.98, it has been clearly stated in the proforma as per Note 2 that "Applications received in proforma other than the above and direct will not be accepted". The application submitted by the applicant in the proforma is definitely a different one than the one enclosed to the notification dated 16.10.98. Further, it



is also seen in the proforma in which the applicant had applied that the employment notice number is referred to as 1/96. The applicant had cut the figure '6' and added '8' there to show it as 1/98. Hence it is not known why he had not adhered to the proforma prescribed in the notification dated 16.10.98.

7. The applicant in para 6(e) of the OA submits that in the proforma application the respondents have not given any proforma for declaration of dependants and there was no column for declaration of dependents. That would mean that he had not seen the proforma. There is no proof to come to the conclusion that the proforma was not enclosed to the notification dated 16.10.98. When other Physically Handicapped persons had applied in the specified proforma, the submission of the applicant that it was not enclosed to the notification cannot be taken at the face value. Further, in the proforma attached to the notification No.1/98 dated 16.10.98, it has been clearly stated that a declaration of the Railway employee as below should be given:-

"I hereby declare that the information furnished above is factually correct. I also understand that in the event of the above declaration being found wrong, I am liable for dismissal from Railway service and Penal action.



I also declare that the candidate is my son/immediate dependent (Relationship to be indicated).

Signature of the Candidate.

Signature of the Rly.Employee

We declare that the candidate is the son/immediate dependent of the Rly. employee.

Signature of the Co.employee"

Whereas the proforma in which the applicant has applied for the post does not contain any such declaration. Hence the applicant cannot contend that there was no item of declaration in the proforma. He had failed to adhere to the instructions given while submitting his application in the proper proforma enclosed to the notification dated 16.10.98. Hence he failed to submit declaration as required. The above failure of the applicant cannot be condoned as the others who had submitted in the proforma may agitate if his application is considered.

8. The respondents submit that the father of the applicant is an ex-Railway employee and not a serving Railway employee and hence he is not eligible. The notification clearly states that only sons/immediate dependents of the Railway employees i.e, serving Railway employees in accordance with Para 179 (viii) (b) of IREM can apply for the same. The applicant's father is an ex-employee and he does not come under the category of serving



employees. Further, the applicant is already 21 years old and hence he cannot be considered as a dependent even his father is a Railway employee.

9. In view of what is stated above, we find that the application of the applicant as submitted in the proforma is not maintainable. In that view, we feel that the applicant has not made out a case for the relief as prayed for in this OA. Hence this OA is liable only to be dismissed and accordingly it is dismissed. No order as to costs.



(R. RANGARAJAN)
MEMBER (ADMN.)



(D.H. NASIR.j)
VICE CHAIRMAN

DATED: 17th DECEMBER, 1999
Dictated in the open court

vsn

