

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 01.12.94.

OA 542/94

AJAY SHARMA

... APPLICANT .

v/s .

UNION OF INDIA & ANR .

... RESPONDENTS .

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A).

For the Applicant ... SHRI R.N. MATHUR .

For the Respondents ... ---

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Ajay Sharma has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying/a direction to the respondents for considering his case for appointment in Group-C category of the railway servants.

2. Heard the learned counsel for the applicant.

3. The applicant was given appointment to a Group-D post in the Jaipur Division of the Western Railway vide order dated 23.7.91 and this appointment was given to him on compassionate grounds since his father Shri Anand Swaroop Sharma was in the employment of the respondents and he had expired while in service in 1991. After joining the Group-D post, the applicant claimed appointment in Group-C category of the railway servants in terms of the provisions contained in the circular of the Railway Board dated 31.3.84, which has been reproduced by the applicant at page-5 of the OA, as follows :-

"APPOINTMENT IN GROUP C POST - A candidate found suitable for C post but absorbed in group D post for want of a vacancy in group C, may be considered when later vacancy in group C arises. A record with the approval of competent authority will be kept to show that he will be considered when a post as above is available. He will then have a preference for appointment in group C over a candidate (in the same priority/group) found suitable at a subsequent date under the same approving authority. Priorities as in para VIII below will continue to apply. Thus in an appointment to be made subsequently in case falling under category I will have preference to

C K Singh

one under category II or III, and appointed accordingly, though he had been appointed in Gr.D for want of vacancy in Gr.C. Thus only that new entrant in Gr.C can take priority over the one appointed earlier in Gr.D, if he falls in a priority higher than the latter one.

This will apply from 1.4.84 only.
E(NG)II-84/RC-I/Policy dt.31.3.84".

4. The applicant has made a representation in regard to his claim vide Annexure A-2.

5. In the circumstances, we dispose of this application at the admission stage with a direction to the respondents to consider the representation of the applicant in accordance with rules, instructions and guidelines on the subject keeping in view the provisions contained in the aforesaid circular of the Railway Board dated 31.3.84 and decide the same through a speaking order within a period of four months from the date of receipt of a copy of this order.

6. If the applicant is aggrieved by the decision taken by the respondents, he may file a fresh OA, if so advised.

B. N. DHOONIYAL
(B. N. DHOONIYAL)
MEMBER (A)

Gopal Krishna
(GOPAL KRISHNA)
MEMBER (J)