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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 15.1.97

OA 216/95

Noordin, last employed on the post of Hot Weather Waterman at Gangapurcity, Western Railways, Kota Division, Kota.

... Applicant

Versus

1. Union of India through General manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Divisional Personnel Officer, Western Railway, Kota Division, Kota.
4. Station Superintendent, Gangapurcity, Western Railway, Kota Division, Kota.

... Respondents

CORAM:

HON'BLE MR.GOPAL IFISHNA, VICE CHAIRMAN

HON'BLE MR.O.P.SHAFMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Shiv Kumar

For the Respondents

... Mr.S.K.Kalia, CLA,

departmental representative

O-R-D-E-R

PEF-HON'BLE MR.GOPAL IFISHNA, VICE CHAIRMAN

Applicant, Noordin, in this application u/s 19 of the Administrative Tribunals Act, 1985, has sought a direction for his engagement against a Group-D post and regularisation thereon. He has also claimed engagement as Hot Weather Waterman every year, till he is regularised.

2. We have heard the learned counsel for the applicant and Mr.S.K.Kalia, CLA, departmental representative for the respondents, and have gone through the records of the case.

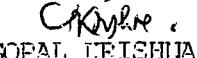
3. The applicant had been engaged as a Hot Weather Waterman at Gangapurcity in the Kota Division of the Western Railway on 1.5.74. Thereafter, he was sent for medical examination for conferment of the status of Non Approved Candidate but his Medical Memo/Service Card etc. were confiscated by the Vigilance Department of the Railway. The applicant's case is that a number of persons have been taken on duty, ignoring his claim, and his candidature for appointment was not considered despite the fact that he has been declared medically fit for A-2 Category. The action of the respondents in appointing persons junior to him in the year 1995 and ignoring the claim of the applicant is assailed as being discriminatory. Annexure A-3 dated 15.11.94 shows that

the applicant, alongwith others, was called for medical examination pursuant to the direction of the Tribunal in OA 977/92, decided on 23.2.94. The applicant was medically found fit for appointment vide Ann.A-4 dated 7.10.94. In such a situation, the respondents plea of limitation is not tenable. Since the applicant has passed the medical examination in A-2 Category, he may be considered for re-engagement as a Hot Weather Waterman subject to availability of vacancies as per his turn in accordance with rules.

4. The OA stands disposed of accordingly, at the stage of admission, with no order as to costs.

  
(O.P. SHAFMA)

ADMINISTRATIVE MEMBER

  
(GOPAL KRISHNA)

VICE CHAIRMAN

VK