

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**TRANSFERRED APPLICATION NO. 291/00002/2014
(SBCWP No. 18439/2012)**

DATE OF ORDER: 21.07.2016

CORAM

**HON'BLE MRS. JASMINE AHMED, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Amar Singh Meena S/o Shri Kamal Ram Meena, R/o Khandip,
Tehsil Gangapur City, Distt. Sawaimadhopur.

....Applicant

Mr. N.S. Hada, proxy counsel for
Mr. C.L. Saini, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Railway, New Delhi.
2. Divisional Railway Manager, North Western Railway, Jawahar Circle, Jaipur.

....Respondents

Mr. M.K. Meena, counsel for respondents.

ORDER

(Per MRS. JASMINE AHMED, JUDICIAL MEMBER)

This is the Transferred Application (TA) from the Hon'ble Rajasthan High Court, Jaipur Bench vide order dated 12.03.2014 in S.B. Civil Writ Petition No. 18439/2012 for adjudication by this Tribunal, in which the applicant herein is seeking the following reliefs:

- "(i). the respondents may kindly be directed to give appointment to the humble petitioner in railway for his excellent work and performance due to which the occurrence of a train accident was avoided.
- (ii) any other order or direction which this Hon'ble Court deems fit may also be passed in the facts and circumstances of the case."

Jasmine Ahmed

2. The brief facts of the case as stated by the applicant are that on 15th January, 2001 at about 05.00 AM near Village Khandip, the applicant saw that a railway line is broken and at that point of time, the Deluxe Train was going to be passed through the said railway line. Noticing that the railway line is broken and the train is going to be passed to the railway line, within a short period of time, the applicant immediately rushed to the concerned personnel of railway and informed the entire facts, and immediately the Gangman displayed the red signal to the driver of the train and due to that effort of the applicant, the occurrence of a train accident was avoided and huge loss of property and human lives was saved. It is the contention of the learned counsel for the applicant that work of the applicant was appreciated and recommended by the Station Master, Khandip, Western Railway on 19.02.2001 to the higher authorities of Railway to appreciate the excellent work done by the petitioner due to which the occurrence of a train accident could be avoided. It is the contention of the counsel for the applicant that as by dint of his intelligence and prompt action taken, the Government has saved from huge loss of property and also huge loss of human lives, hence, the applicant shall be given an appointment in the Railways but irrespective of several appreciations and recommendations, till date nothing has been done by the respondents in regard to offer of appointment to the applicant in the railway-department. Counsel for the applicant states that a direction be passed by this Tribunal to the respondents to offer him an appointment in the railway-department.

Jasvinder Singh

3. Learned counsel for the respondents states that the case of the applicant is badly barred by limitation as he has come after a long time before this Tribunal seeking direction from the Tribunal. He also states that as the applicant has done a good job, his act was appreciated and any recommendation from any Ministry does not create any vested right to the applicant for getting an appointment. He also states that it is beyond jurisdiction of this Tribunal to pass any order in regard to offer of appointment to the applicant.

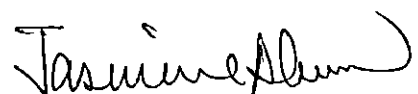
4. Heard the rival contentions of the learned counsels for the parties and perused the pleadings and documents available on record.

5. Though undoubtedly the action of the applicant is praiseworthy and his intelligence and promptness has saved huge loss of property of Government and also saved valuable human lives but the Tribunal cannot direct the respondents to offer appointment to the applicant as the appointment is to be done following the rules and regulations.

6. Accordingly, we find that though the applicant needs to be appreciated but direction to the respondents to appoint the applicant is beyond the jurisdiction of this Court. Hence, the Transferred Application is dismissed. No order as to costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(MRS. JASMINE AHMED)
JUDICIAL MEMBER