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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 21.08.2000

OA No.155/99

Radha Kishan Meena S/o Shri Ram Nath Meena R/o Village Jhar,
Post Dudli, Tehsil Fassi, Distt. Jaipur.

... Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.), Western Railway, Jaipur.
3. Senior Divisional Personnel Officer, Western Railway, Jaipur

.. Respondents

Mr. Anurag Kulshrestha, proxy counsel to Mr. Virendra Lodha, counsel for the applicant

Mr.U.D.Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

In this Original Application, applicant makes a prayer to direct the respondents to hold an interview for the applicant afresh for the purpose of appointment to the post of Diesel Cleaner in pursuance to the advertisement dated 6.8.1998 and to issue the order of appointment, if found suitable for the post.

2. In brief, the case of the applicant is that in pursuance of the advertisement dated 6.8.1998, applicant submitted an application for the recruitment to the post of

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Diesel Cleaner in the pay scale of Rs. 2550-3200. Applicant appeared in the written examination vide Roll No. 4138 and he was declared successful in the written examination and a call letter was issued to the applicant to appear for interview on 24.3.1999 but the same could reach to the applicant on 30.3.1999. The applicant filed representation to the respondent department to call the applicant for interview but with no avail. Therefore, applicant has filed this Original Application for the reliefs as above.

3. Reply was filed. In the reply it is stated that applicant did not give correct address on the envelope, therefore, delivery of the letter might have been delayed by the postal authorities. It is stated that call letter was sent to the applicant on 9.3.1999. Therefore, it is stated that applicant is not entitled to any relief sought for.

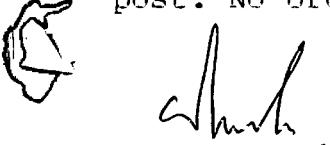
4. Heard the learned counsel for the parties for final disposal of this OA at the stage of admission and perused the whole record.

5. The contention of the respondents that delivery of the letter despatched on 9.3.1999 might have reached to the applicant on 30.3.1999 because of incorrect address written by the applicant. No inquiry appears to have been conducted by the respondents in this regard. Therefore, it will not be safe to say that because of incorrect address written on the envelop, the applicant received the call letter for interview on 30.3.1999. It also appears that applicant has immediately approached the concerned authorities to hold the interview for the applicant on the basis of the circumstances explained by him but nothing was done.

[Signature]

6. Admittedly, the applicant was eligible to appear in the interview for the post of Diesel Cleaner but he could not appear before the Interview Board because he did not receive the information in time. Vide order of this Tribunal issued on 9.4.1999, respondents were directed to keep one post of Diesel Cleaner scale Rs. 2550-3200 reserved for ST candidate vacant and this interim relief is still continuing. Therefore, equity demands that applicant who was declared eligible for the interview for the post of Diesel Cleaner must be given an opportunity by the respondents to appear before the Interview Board and in case he is found suitable, he may be given appointment on the post.

7. In view of above all, this Original Application is allowed and respondents are directed to hold the interview for the applicant within two months from the date of receipt of copy of this order for the post of Diesel Cleaner and if the applicant is declared successful, he may be appointed on the post. No order as to costs.


(N.P.NAWANI)

Adm. Member


(S.K.AGARWAL)

Judl. Member