

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT BILASPUR

OA No.235/04

Jabalpur, this the, 16th day of December, 2004

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

S. Trinath Rao
S/o Shri S.Challa Rao
R/o Deorikhurd
PO: Bilaspur
Tehsil and District: Bilaspur
Chhattisgarh.

Applicant

(By advocate Shri B.P.Rao)

Versus

1. Union of India through
the Secretary
Ministry of Railways
Rail Bhawan, New Delhi.
2. The General Manager
South Eastern Central Railway
Bilaspur Zone, G.M.Office
Bilaspur.
3. The Divisional Railway Manager
South Eastern Central Railway
Bilaspur Division, DRM Office
Bilaspur.
4. The Divisional Engineer (Coordination)
South Eastern Central Railway
Bilaspur Division
Bilaspur.

Respondents.

(By advocate Shri M.N.Banerjee)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following
main reliefs:

- (i) Direct the respondents to correct the applicant's father's
name in the list of successful candidates.
- (ii) Further direct the respondents to allow the applicant
for medical examination and also allow him to join the
vacant post of casual monsoon patrolling gangman at
par with other selected candidates.



- (iii) To direct the respondents to give seniority and all types of pay benefits/backwages with 18% interest thereon to the applicant at par with all other candidates who were selected along with the applicant.

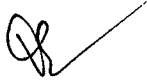
2. The brief facts of the case are that the applicant passed 10th class from the Board of Secondary Education, Madhya Pradesh, Bhopal in the year 1986. In the certificate-cum-mark sheet, his name is clearly mentioned as S.Trinath, son of Sri S.Chella Rao. The applicant belongs to SC community. Respondent No.4 invited applications to fill up 406 posts of casual monsoon patrolmen vide notice dated 24.5.96. The applicant applied for the same and he was allowed for screening test along with other candidates. He passed the screening test and in the list of successful candidates published by respondent No.4 (Annexure A3), the name of the applicant's father is mentioned by mistake as S.Chander Rao in place of S.Challa Rao. Respondents allowed almost all the successful candidates for medical examination and on clearing the medical examination, they were posted as casual monsoon patrolmen, but the applicant was not allowed for medical examination and was not posted. On enquiry, the respondents informed the applicant that they had found out the error in the name of the father of the applicant. No heed was paid to the representation submitted by the applicant. He again submitted another representation dated 30.3.2000 (Annexure A6). On being advised by Sr.Divl. Personnel Officer, Bilaspur, (Annexure A7), the applicant contacted officials of the Sr.Divl. Engineer (Co-ordination)/ S.E.Rly, Bilaspur but his father's name was not corrected. Then again he submitted a representation dated 30.10.2000 (Annexure A8) requesting for early consideration of his case and posting. Respondent No.4 vide letter dated 23.1.03 instructed the applicant to furnish educational qualification, caste certificates etc. to his office at Bilaspur (Annexure A10). Accordingly the applicant submitted the concerned documents in February 2003 but he was not allowed for medical examination and was not posted. Aggrieved by the aforesaid

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victimisation and harassment, the applicant has filed this OA.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that he had applied for the post of casual monsoon patrolman and had furnished the name of his father as S.Challa Rao and it was correctly mentioned in the list of candidates called for screening (Annexure A2) against Roll No.7655, issued by the respondents themselves. The mistake is committed by the respondents in Annexure A3 - List of Successful Candidates - in which the name of the father of the applicant is mentioned as S.Chander Rao, instead of S.Challa Rao and the respondents did not inform the applicant in this regard, while the applicant was not at fault in any way. The applicant had submitted a representation on 16.1.97 (Annexure A4) which was duly received in the office of the respondents but no action was taken. The respondents had informed the applicant vide letter dated 3.7.2000 to contact Sr.DEN (Co-ordination), Bilaspur for further disposal of the case. The applicant had complied with the directions of the respondents within time but he was not considered while he was declared successful in the screening test held by the respondents. He is legally entitled for the reliefs claimed.

4. In reply, the learned counsel for the respondents argued that the name of the father of the applicant was wrongly mentioned and it was a mistake on the part of the applicant and not on the part of the respondents. The representation of the applicant dated 16.1.97 was not recieved in the office of the respondents. The representation submitted by the applicant on 30.3.2000 was received in the office of the respondents. Hence the present OA is barred by limitation. The learned counsel



further argued that respondent No.4 vide his letter dated 23.1.03 had instructed the applicant to submit his representation/required documents to verify his claim and after verification of the claim, the applicant's case was not considered because as per the extant rule the life of a panel in case of direct recruitment is only one year and in the meantime, the Railway Board had put a ban on engagement of casual labour w.e.f.

1.4.98. The respondents have not committed any irregularity or illegality in their action. Hence the OA deserves to be dismissed.

5. After hearing the learned counsel for the parties and carefully perusing the records, we find that in Annexure A-2 - List of candidates called for screening - which is a document of the respondents, at Roll No.7655, the name of the applicant's father is mentioned as S.Challa Rao. It shows that the applicant had applied for the said post, with the correct name of his father. But in subsequent letter dated 4.9.95 (Annexure A3) - List of Successful Candidates in SC Quota - the name of the applicant's father is mentioned as S.Chander Rao, which is not correct. This is not a fault of the applicant. The applicant had submitted representation on 16.1.97 (A-4), 30.3.2000 (A-6) and 30.10.2000 (A-8) and lastly he has also complied with the directions given by the respondents vide letter dated 23.1.03 (A-10). Hence it is evident that the applicant has been pursuing the matter from the initial stage. The alleged ban was imposed for a period of one year in 1998. It is not said to be in force now. The applicant had applied and succeeded in the test before 1998. The name of the applicant's father is wrongly mentioned in their own record.



The respondents have not tried to find out the veracity or correctness of the name of his father from the applicant while it was their legal duty to inform the applicant so that he could have rectified the mistake, though there is no mistake on the part of the applicant who belongs to SC community.

6. Considering all the facts and circumstances of the case, we are of the considered opinion that this OA is not barred by limitation and the applicant is legally entitled for the reliefs claimed.

7. The OA is allowed. Respondents are directed to allow the applicant for medical examination and issue appointment letter in favour of the applicant for the said post within a period of two months from the date of receipt of a copy of this order.

8. ~~We also find that the applicant has been unnecessarily~~ forced to seek justice by filing this OA. Therefore, the respondents are directed to pay Rs.5000/- as cost of litigation to the applicant.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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पृष्ठकन सं ओ/न्या.....जवलपुर, दि.....
प्रतिलिपि अर्जेंटित:-

- (1) सचिव, उच्च न्यायालय एवं एडोकिशन, जवलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
- (4) वांछमाल, को.प्र.ज., जवलपुर ज्वा.रानीउ
सूचना एवं आवश्यक कार्यवाही हेतु

M.P. Rao Adv. Durg
M. N. Benarjee Adv. Durg

उप रजिस्ट्रार

Issued
On 17.12.09