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Central Administrative Tribunal: Principal Bench .

O.A.No.2501/2001

M.A.No.2099/2001

New Delhi, this the 21st day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (Administrative)

1. Shri R. Radhakrishnan
S/o Shri (late) R. Raghavan,
Dy. Director
D.G.S & D,
5, Sansad Marg,
New Delhi.

R/o 138, Nilgiri Apartments,
Alaknanda,
New Delhi - 48

2. Shri A.K. Aggarwal
S/o late Shri T.R. Aggarwal
Dy. Director
D.G.S. & D
5, Sansad Marg,
New Delhi.

R/o Flat No.6, Parmath Apartments,
Vikaspuri,
New Delhi - 18

3. Shri M.A. Khan
S/o late Shri B.H. Khan
Dy. Director
D.G.S & D.
5, Sansad Marg
New Delhi

R/o 10, Abul Fazel Apartments,
Vasundhara Enclave,
Delhi - 96

4. Shri J.B. Agarwal
S/o late Shri S.S. Lal
Dy Director,
D.G.S & D
5, Sansad Marg,
New Delhi

R/o A-262, Pandara Road,
New Delhi - 110 003

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5. Shri S.C.H. Asnani
S/o late Shri H.T. Asnani
Dy. Director
D.G.S. & D
5, Sansad Marg,
New Delhi

R/o J-12/16, Rajouri Garden,
New Delhi - 110 027

6. Shri K.K. Marwah
S/o late Shri L.M. Marwah
Dy. Secretary,
Ministry of Labour
New Delhi

R/o 17, SFS, Ashok Vihar Ph.4
Delhi - 52

7. Shri S.D. Narang
S/o late Shri B.R. Narang
Dy. Director
D.G.S & D
5, Sansad Marg,
New Delhi

R/o D-1/187, Lajpat Nagar,
New Delhi - 48

8. Shri K.S.P.S. Tomar
S/o Shri M.P. Singh
Dy. Secretary,
Ministry of Rural Development
Krishi Bhavan,
New Delhi.

R/o Kishore Villa,
Gurdwara Road,
Gurgaon.

9. Shri Devendra Kumar Singh
S/o Shri T.P. Singh
Welfare Commissioner (Headquarters)
Ministry of Labour,
Jaisalmer House,
New Delhi - 110 011

R/o C-407, UNESCO Apartments,
Plot No. 55, I.P. Extension
Delhi - 110 092

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10. Shri S.N.Srivastava
S/o Shri S.N.Srivastava
Dy. Director,
D.G.H.S (PROC Cell)
Nirman Bhawan,
New Delhi - 110 011

R/o A-232, Laxmi Bai Nagar,
New Delhi - 110 023

11. Shri Dinesh Kumar Singh
S/o Shri D.K.Singh
A.G.M., Kendriya Bhandar,
Pushp Vihar,
New Delhi - 110 062

R/o 24-C, Evershine Apartments
D-Block, Vikaspuri,
Delhi - 18

12. Shri P.K.Kanchan
S/o Shri M.R.Kanchan
Dy. Director
Deptt. of Economic Affairs,
New Delhi - 110001


R/o 31-A, Arjun Apartments,
F-Block, Vikaspuri,
Delhi - 58

... Applicants

(By Advocate: Shri K.N.R. Pillay)

Versus

1. Union of India-through:
The Secretary,
Ministry of Commerce,
Udyog Bhawan,
New Delhi.
2. Union of India-through:
The Secretary,
Department of Personnel & Training,
North Block,
Central Secretariat
New Delhi
3. Union of India-through:
The Secretary,
Ministry of Railways (Railway Board)
Rail Bhavan,
New Delhi - 110 001

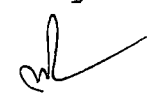
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4. Union Public Service Commission,
through its Secretary,
Shahjahan Road,
New Delhi.
 5. The Director General,
Supplies & Disposals,
5, Sansad Marg,
New Delhi - 110 001
 6. Shri K.P.Verma,
Retd. Additional Member, Stores,
Railway Board
R/o C-4012, Vasant Kunj,
New Delhi - 70
 7. Shri K. Choudhary
Dy. Controller of Stores,
Eastern Railway
Jamalpur, Mungyer
Bihar.
 8. Shri Dinesh Chandra
Dy. Controller of Stores
South Eastern Railway,
Calcutta.
 9. Shri Yogendra Kumar
Dy. Controller of Stores,
Southern Railway
Perambur
Chennai
 10. Shri K.K. Halder
Dy. Controller of Stores,
N.F. Railway
Gauhati
 11. Shri D.K. Srivastava
Senior Stores Officer
Western Railway
Mumbai

.... Respondents

O R D E R (ORAL)

By Mr. M. P. Singh, Member(A)

The applicants, 12 in number, were recruited
through U.P.S.C., on the basis of Indian Engineering




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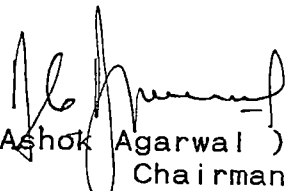
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Services Examination and were working in Directorate General of Supplies & Disposals (in short 'DGS&D'). A few years back, the staff strength of the department had been reduced and the officers had been sent on deputation/absorption to various departments. The applicants have alleged that respondents have not sent the officers to Railway Stores Department as per their seniority and have only sent them on the basis of pick and choose.

2. From the papers placed before us, we find that respondents 6 to 11 were sent initially on deputation to Railway Stores Department in 1993 whereas the applicants were sent on deputation to other departments and Ministries. It so happened that those persons who were working in the railways since 1993, were selected for permanent absorption and the Ministry of Railways vide their order dated 13.10.98 found them suitable and also absorbed them in the railway stores department. In the case of applicants, they have gone to other departments on deputation and those departments did not absorb them. The absorption of respondents 6 to 11 having been done in accordance with rules and instructions, the same cannot be challenged on the ground of malafide.

3. In the circumstances, we find that this OA is devoid of merit. It is accordingly dismissed in limine.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman