

9

Central Administrative Tribunal
Principal Bench: New Delhi

CA No. 59/2001
MA No. 45/2001

New Delhi this the 11th day of September, 2001

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

1. Krishanpal Singh,
S/o Shri Chandan Singh,
A-2/192, East Gokulpuri,
Delhi-110 094.
Roll No. 824658.
2. Ashok Kumar,
S/o Shri Deoki Nandan Prasad Rai,
Village & P.O. Mahisaur, PS Jandaha,
Distt. Vaishali, Bihar,
Roll No. 721863
3. Ashok Kumar Meena,
S/o Shri Narain Meena,
3/2 Juni Kalal Seri,
Ratlam, (M.P.) 457 001.
Roll NO. 907030.
4. Abhay Kumar,
S/o Shri Ram Bilas Sinha,
Jyotipuram Colony, Maurya Path,
Khajpura, P.O. B.V. College,
5. Rajesh Kumar Ranjan,
S/o Dr. Dasrath Rai,
Village Lal Pokhar,
(Near District Jail),
P.O. Dighi Kala,
Hajipur-44101
Roll No. 720355.
6. Ram Nihora Singh,
S/o Shri Sahdeo Singh,
C/o Shri Nageshwar Prasad Singh,
Dhara Chak, (Devi Asthan),
Anisabad, Patna-800 002.
Roll No. 637644.
7. Arun Kumar Prasad,
S/o Shri Raghunath Prasad,
Village & P.O. Salaha,
Via - Jandaha,
District - Vaishali, Bihar,
Roll No. 637100.
8. Birendra Kumar Rai,
S/o Shri Rameshwar Rai,
Village & P.O. Narainpur Dedhpura,
Distt. Hajipur, Bihar,
Roll No. 720722.
9. Anil Kumar Prasad,
S/o Shri Ram Swarup Lal,
Village & P.O. Salaha.

Via - Jandaha,
District - Vaishali, Bihar.
Roll No. 721396.

10. AjayKumar,
S/oShri Vishnu Deo Prasad,
Village & P.O. Salaha,
District - Vaishali, Bihar,
Roll No. 720 090.
11. Prem Kumar Mandal,
S/o Shri Sitaram Mandal,
R/o Sadar Bazar (Tarachand Gali),
P.O. Jamalpur, Dist. - Munger, Bihar,
Roll No. 720 434.
12. Ashok Thakur,
R/o Village - Deendayalpur, P.O. Mamsai,
Via - Jandaha, Distt. Vaishali, Bihar,
Roll No. 720 710.

(By Advocate: Shri A.P. Sahay)

Versus

1. The Union of India,
through the Secretary,
Ministry of Railways,
Railway Bhawan, New Delhi
2. The Chairman,
Railway Board, Rail Bhawan, New Delhi.
3. The Deputy Director, Estt. (RRB),
Railway Board, Rail Bhawan,
New Delhi.
4. The Railway Recruitment Board,
Ajmer, Rajasthan,
through its Chairman.
5. The General Manager (E),
Northern Railway,
Baroda House, New Delhi. Respondents

(By Advocate: Shri R.L. Dhawan for Respondents 1 to 4)
Mrs. Meera Chhibber for Respondents 5)

ORDER (Oral)

By Shri S.R. Adige, VC (A)

Applicant impugns respondents order dated
29.6.2000 (Annexure A-8), whereby respondents, after
considering in detail the nature of irregularities
detected, pursuant to CBI investigation in categories
16 & 15 of Employment Notice No. 1/97 by RRB/Ajmer

have decided to cancel the panels of Apprentice Diesel Asstt. Driver/Asstt. Electrical Driver and Probationary ASM.

2. We have heard both sides.

3. Our attention has been invited to CAT Jaipur Bench order dated 10.11.2000, OA No. 378/1999 **Satya Narain Singh Verma Vs. Union of India & connected cases**, whereby the same order dated 29.6.2000 was challenged, and the challenge to the same was dismissed by the aforesaid order dated 10.11.2000.

4. Applicant's counsel Shri A.P. Sahay has contended that the aforesaid order of the Jaipur Bench did not specifically deal with the cases of Probationary ASMs, for which category the present applicants had appeared in the relevant examination.

5. A perusal of the Jaipur Bench order dated 10.11.2000 makes it abundantly clear that the Jaipur Bench has dismissed the challenge to the respondents order dated 29.6.2000 cancelling the panel for the post of Probationary ASM.

6. We as a Coordinate Bench are bound by the aforesaid order dated 10.11.2000, and in any event there are catena of judgements of the Hon'ble Supreme Court, some of which have been referred to in the body of the order dated 10.11.2000 itself, which clearly and unequivocally lay down ~~that~~ ~~has~~ ~~down~~

that where grave and large scale malpractices in the conduct of the selection are detected, the cancellation of those selections is for bonafide reasons, so that the purity of the selection process is maintained, and all the aspirants get a ^{equality} ~~equity~~ of opportunity in matters of public employment, guaranteed under Article 16 of the Constitution.

7. Under the circumstances, applicants counsel's contention that the cancellation of the panel for the post of probationary ASM was unreasonable, cannot be accepted and we find no good reasons to interfere in the matter. For the reasons contained in the CAT, Jaipur Bench, order dated 10.11.2000 (supra) this OA is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

Mittal