

Central Administrative Tribunal, Principal Bench

Original Application No. 1013 of 1998

New Delhi, this the 17th day of April, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

(b)

Amar Singh Bharati (S.C.)
Head D/Man, DOB
Northern Railway Hdqrs. Office,
Baroda House, New Delhi. - Applicant

(By Advocate: None)

Versus

Union of India through

1. The General Manager,
Northern Railway Hdqrs. Office, Baroda House,
New Delhi.

2. Shri Maman Ram
Head D/Man. C.O. / Construction,
Northern Railway,
Kashmeri Gate,
Delhi. - Respondents

(By Advocates: S/Shri B.S. Jain & P.M. Ahlawat)

O R D E R (ORAL)

By Hon'ble Mr. S. R. Adige, Vice Chairman(A)

1. Applicant impugns respondents' order dated 6.4.98 (Annexure A-4) and seeks a direction to them to act strictly in accordance with the approved panel of the duly constituted Selection Board declared on 11.7.97 (Annexure A-8).

2. Although this case was listed for Possible Final Hearing today, none appeared on behalf of the applicant. We note that even on 20.1.2000, none had appeared for the applicant although the case had been listed for Possible Final Hearing on that date itself.

3. Admittedly applicant who belongs to SC community was at S.No.56 whereas respondent No.2 who

(Signature)

also belongs to SC community was at S.No.54 in the notice dated 24.1.97 (Annexure A-6), informing all concerned that selection for the post of Chief Draftsman was to be held. Thus respondent no.2 is undeniably senior to applicant.

4. It is not denied that pursuant to the aforesaid Notice dated 24.1.97, both applicant as well as respondent No.2 appeared in the aforesaid selection. Respondents state that the name of Shri Maman Ram was inadvertently excluded from the panel dated 11.7.97 as he was treated as a General candidate, as S.C. was inadvertently not mentioned against his name. Thereafter, respondent no. 2 represented and upon consideration of his representation, official respondents found that the vacancy of Chief Draftsman, which was reserved for a S.C. candidate, and which should under rules and ^{should} instructions have gone to Shri Maman Ram who is an S.C. candidate and who is senior to applicant, was filled up by the applicant. Respondents thereafter issued a show cause notice to the applicant and after consideration of his reply, they corrected the bonafide error by appointing respondent no.2 Shri Maman Ram against the S.C. vacancy for the post of Chief Draftsman.

5. As there is none to contest these assertions and we have no good reasons to doubt the correctness of the same, we see no good reason to interfere with the OA, which is accordingly dismissed. No costs.

Kuldeep Singh
(Kuldeep Singh)
Member(J)

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

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