

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2475/1996

Thursday, this the 28th November, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI S. P. BISWAS, MEMBER (A).

Mahesh Kumar Gupta S/O
Ram Narayan Gupta,
R/O M-9, Shastri Nagar,
Delhi-52. ... Applicant
(By Shri B. S. Mainee, Advocate)

-Versus-

1. Union of India through
General Manager,
Western Railway,
Churchgate, Bombay.
2. Chairman,
Railway Recruitment Board,
Bombay Central,
Mumbai. ... Respondents

The application having been heard on 28.11.1996
the Tribunal on the same day delivered the
following :

O R D E R

CHETTUR SANKARAN NAIR (J), CHAIRMAN —

Applicant challenges A-1 order cancelling the
selection made for the posts of Permanent Way
Inspector Grade-III. Applications were invited
for the post, selection process was completed
and the name of applicant was included in the
select list. Thereafter came the impugned order.
The order does not state any reason for cancellation.
It merely states :

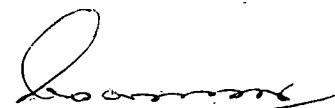
"...selection has been cancelled due to
administrative reasons."

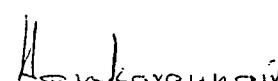
It may be that a person included in a select list, acquires no right to be appointed. It is equally true that a public authority cannot act at will or at whim. Inviting applications, holding the selection process and such like cannot be done unless there are good reasons for doing so, and having done all this an authority cannot go back on it unless there are good and valid reasons. Arbitrariness in any form on the part of public authorities flies in the teeth of Article 14 of the Constitution. Applicant is entitled to know the circumstances under which the selection has been cancelled. He is permitted to make a representation before respondent, General Manager, Western Railway, Bombay. If a representation is so made, the abovesaid respondent will consider the same on its merits and pass a speaking order thereon within two months of the date of receipt of the representation and communicate the same to applicant.

2. Applicant will produce a copy of this order and the application before first respondent who shall acknowledge the same. Applicant will thereafter lodge the acknowledgement with the Registry and the acknowledgement will form part of the record.

3. Application is disposed of as aforesaid.

Dated, the 28th November, 1996.


(S. P. Biswas)
Member (A)


(Chettur Sankaran Nair, J.)
Chairman

/as/