

Central Administrative Tribunal, Principal Bench

Original Application No. 994 of 1996

New Delhi, this the 8th day of September 2000

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

1. Jawala Prasad S/o Shri Nanoo Lal
R/o B-4/44-C Phase-II, Ashok Vihar,
New Delhi.
2. Lajpat Rai S/o Shri Bhagwan Dass
R/o 46/4772 Regharpura, Karol Bagh,
New Delhi.
3. Jammal Singh S/o Shri Talu Singh
R/o C-30, Railway Colony,
Lajpat Nagar, New Delhi.
4. J.P. Sagar S/o Shri Khazan Singh
R/o 369/3 Railway Colony,
Ambala Cantt.
5. Nathi Lal S/o Shri Hari Lal
R/o 158-B, Railway Colony,
Ambala Cantt.
6. Surender Kumar S/o Shri Shreeram
R/o B-8, Railway Colony,
Ambala Cantt.

- Applicants

(By Advocate - Shri G.D. Bhandari)

Versus

1. Union of India
through the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The General Manager (Personnel)
Northern Railway,
Baroda House,
New Delhi.

- Respondents

(By Advocate - Shri D.S. Jagotra)

ORDER

Mr. S. R. Adige, VC(A):

Applicants who belong to SC community impugn respondents' order dated 2.2.96 (Annexure-A1) announcing selections for 68 posts of Chief Controller (Rs.2375-3500 RP) including 65 posts in general category and 3 posts in S.T. category on the basis of written test to be followed by viva voce test for those who qualifying in the written test. They seek a direction to respondents to declare the number of vacancies falling to the share of SC category, and also declare yearwise vacancies for the said posts from 1991 onwards on the basis of 40 point Roster, and consider their cases by applying relaxed standards, if necessary.

2. Heard both sides.

3. Impugned letter dated 2.2.96 includes a list of candidates eligible to appear in the written test, and applicants' names find mention at sl. Nos. 92, 94, 99 and 114 of that list.

4. It is not denied that applicants participated in the written test, and upon qualifying in the written test, were called to appear for the viva voce test vide letter dated 12.4.96 (Annexure-R1).

5. Respondents have stated in their reply while giving brief history of the case that after viva voce test, and completion of other formalities, a panel of 64 candidates was declared vide Office letter dated 20.9.96, which includes 53 candidates of general category.

9 candidates of SC category and 2 candidates of ST category, and promotion posting orders of the empanelled candidates for the post of Chief Controller has been issued vide letter dated 4.10.96.

6. These specific assertions of respondents in their reply have not been denied by applicants in their rejoinder.

7. However, neither the panel prepared by respondents pursuant to the written/viva voce test held by them, nor their letter dated 4.10.96 posting/promoting the empanelled candidates has been challenged by applicants in the present OA. Applicants had nearly 4 years available to them within which to amend the OA to impugn the panel and/or the posting/promotion orders, but they did not do so. Indeed the order dated 4.10.96 is the final promotion order issued pursuant to the selections initiated by respondents' order dated 2.2.96, which admittedly has been implemented as a result of which various rights have accrued to several persons who had benefitted therefrom.

8. Under the circumstance, in the absence of any specific challenge to the final posting/promotion orders dated 4.10.96 passed by respondents, no orders are warranted on the impugned orders dated 2.2.96 which only initiated the selections for promotions. If applicants are aggrieved by the final posting/promotion orders dated 4.10.96, it

is open to them specifically to challenge the same in accordance with law, if so advised.

9. The OA is disposed of in terms of para 8 above. No costs.

Kuldeep
(KULDIP SINGH)

MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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