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CENTRAL ADMINISTRATIVE RIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.1963/88.

New Delhi, this the 03rd day of February, 1994.

SHRI J.P.SHARMA, MEMBER(J).
SHRI B.K.SINGH, MEMBER(A).

1. Shri Madan Lal Gupta,
Assistant Superintendent 'T' Branch,
D.R.M. Office, New Delhi.
2. Shri Chhaju Ram Gupta,
Assistant Superintendent 'T' Branch,
Office of Station Superintendent,
Jind.
3. Shri Mohinder Kumar,
Head Clerk Under Traffic Inspector,
Panipat.Applicants

(By advocate: Shri B.S.Mainee with
Applicant no.2)

VERSUS

1. Union of India,
Through General Manager,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, New Delhi.Respondents

(By advocate : None)

O R D E R (ORAL)

SHRI J.P.SHARMA:

The applicants have jointly filed this application aggrieved by the order dated 2-9-88 and the order dated 23-9-88. By the order dated 2-9-88, a panel was declared by the respondents on the basis of selection for the post of Assistant Superintendent (Transportation) grade Rs.1600-2660. In this panel, eight persons were empanelled. The order dated 23-9-88 declares a panel of five persons who were directed to appear in the viva voce test. The name of all the applicants does not figure in this qualifying written examination test. The relief claimed by the

applicants is that the selection proceedings of the aforesaid selection for the post of Assistant Superintendent notified by a letter dated 2-9-88 fixing the written examination on 5-9-88 and supplementary on 10-9-88 be set aside.

2. A notice was issued to the respondents who contested the application and opposed the grant of the relief on the ground that applicant Madan Lal Gupta has voluntarily retired on 15-10-88. The applicant no.2 Shri Chhaju Ram Gupta has since retired on 31-1-94 and applicant no.3 Shri Mohinder Kumar is still working and at the relevant time was posted as Head Clerk at Panipat. It is undisputed that applicant no.2 was working as Assistant Superintendent on ad hoc basis. The respondents have referred to certain punishment awarded to applicant no.2 in 1965. The selection was modified on the basis of scrutiny of service records without holding any written or viva voce test so far as vacancies arising out of re-structuring of the cadre w.e.f. 1-1-84. The reason given for holding selection was on account of the fact that in the letter of the Railway Board dated 15-4-88, the vacancies which have occurred after the date when modified selections were finalised in the respective offices will not be covered by modified procedure of selection, i.e., by written test followed by viva voce. In view of this, a notification was issued for holding selection for the post of Assistant Superintendent on 18-3-88, but, due to administrative reasons that selection was adjourned to 29-3-88. However, the selection procedure was postponed from time to time and it was ultimately held on 25-8-88. Applicants no.

1 & 2 appeared in written test but they could make a mark to be called for interview. The result was declared on 19-10-88 and copy of the successful empanelled candidates is attached to the counter as annexure R-5. But the name of the applicants obviously is not there. The respondents have rebutted to the contention of the applicants that due publicity was not given for the selection or that there was any irregularity in setting the papers concerning the allotment of marks to objective type questions. However, allotment of confidential roll numbers is not seriously disputed.

3. The applicants have also filed the rejoinder to the counter.

4. Shri B.S. Maine appeared for the applicants and he stated that since a similar case (OA 1962/88 - Smt. H. Bakshi v. UOI) in which the aforesaid selection was challenged has been decided on 24-1-94 against the applicants of that case and so, he is not pressing this application. He also stated that applicants no.1 and 2 have since retired.

5. None appears on behalf of the respondents. The applicant no.2 Shri Chhaju Ram Gupta, however, argued the matter stating that he has since retired on 31-1-94 and had also been made regular on the post of Assistant Superintendent on which he was working on ad hoc basis and was not reverted in view of the order of the status quo passed by the Bench on 13-10-88.

contd...4.

6. The applicant Shri Chhaju Ram assailed the selection on three grounds, namely, the mandatory notice of at least 2 weeks was not given; that the confidential roll numbers were not allotted; and that the questions set up in the written examination were not having questions of objective type upto 50% of the maximum marks. We have considered this aspect also, but the respondents in their counter, have denied these averments.

7. We find that the present application has become infructuous inasmuch as the selection was for the post of Assistant Superintendent and the applicant no.2 who has argued the case himself has since been regularised before his retirement without appearing in any selection, whatsoever. The grievance of this applicant appear to be that he was eligible for promotion to the next post of Superintendent w.e.f. 1-3-93 in the grade of Rs.2000-3200 due to re-structuring scheme issued by the letter dated 17-6-93.

8. We have also considered the contention of the applicant but that is not the relief claimed in this application. If the applicant Shri Chhaju Ram Gupta has any grievance, he can assail the same. This application does not survive. The application is, therefore, dismissed. No costs.


(B.K.SINGH)
MEMBER(A)


(J.P.SHARMA)
MEMBER(J)

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