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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

D.A. NO. 2058/88

New Delhi this the 11th February 1994

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

THE HON'BLE MR. B.K. SINGH, MEMBER (A)

Shri R.C. Srivastava,  
Son of Shri Mohan Murari Srivastava,  
90 New Vijay Nagar,  
Ghaziabad, U.P.

2. Shri Parkash Lal,  
Son of Shri Des Raj,  
II-B, Quarter No. 31,  
Lajpat Nagar,  
New Delhi.

... Applicants

(By Advocate B.S. Mainee)

Versus

The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-110 001.

... Respondents

(By Advocate Shri K.K. Patel)

ORDER

HON'BLE MR. J.P. SHARMA, MEMBER (J)

The applicant No. 1 has not pressed this application and so it is confined only to Applicant No. 2 who has assailed the Order dated 13.4.1988 and 7.10.1988.

2. The relief claimed by the Applicant No. 2 is that the respondents be directed to prepare a panel in accordance with the directions of the Railway Board placing the name of the applicant on panel. The selection for the post of Sr. Draftsman in the grade of Rs. 425-700 was held and the written examination took place in May and June 1987. The applicant came out in the successful written test but he failed in viva voce test. The grievance of the applicant therefore is that inspite of the representation dated 4.10.1988 he has

not been empanelled.

3. The applicant no. 2 jointly filed this application with applicant no. 1 on 24.10.1988 and he prayed for the relief that applicant No. 2 be also empanelled because of their satisfactorily working as Senior Draftsman.

4. The respondents contested this application and so far the applicant No. 2 is concerned stated that Shri Prakash Lal, Applicant No. 2, was not the senior-most in the reserved category candidate in the selection of 1987. Since he did not qualify the selection he could not be empanelled. The applicant no. 2 is not entitled to any relief. In the rejoinder filed by the applicant no. 2 he has reiterated the points averred in the O.A. but did not state as to how he is the senior-most in the reserved category candidates.

5. We heard the learned counsel of the parties at length and gone through the record of the case. So far as the case of the applicant no. 1 Shri R.C. Srivastava is concerned the respondents have filed a supplementary reply annexed the order dated 16.12.1992 and 26.5.1992 whereby the applicant No. 1 Shri R.C. Srivastava in view of the direction in OA NO. 211/87 and OA 1568/91 has been regularised with effect from 31.12.1986, however, the name of the applicant no. 2 is missing. The counsel for the respondents argued that applicant no. 2 Shri Prakash Lal has failed in the selection and so he could not be empanelled and his case is materially different from that of applicant No. 1 Shri R.C. Srivastava. The counsel for the applicant, however, placed reliance of the record note of the meeting of the Deputy Minister for Railways and the Railway Board with the Headquarters of the Personnel Department of the Railway Administration held in New Delhi on 27.11.1975. According to this note

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in para 2.2 "it is laid down that" panels should be formed for selection posts in time to avoid adhoc promotions. Care should be taken to see while forming panels that employees who have been working in the posts on adhoc basis quite satisfactorily are not declared unsuitable in the interview. In particular any employee reaching the field of consideration should be saved from harassment."

6. The General Manager has observed that long term adhoc arrangements should be made strictly according to seniority and suitability to avoid embarrassment. According to the rules a person for a selection post has to clear both written test as well as interview and has to secure minimum percentage of marks for empanellement for regular appointment. The applicant has since failed in the interview he cannot supersede in regular appointment with respect to those SC category candidates who have cleared the interview with required qualifying marks. The applicant, therefore, cannot have any grudge on this account.

7. There is nothing on record to show that the applicant is senior-most and has been ignored. The applicant has only right to be considered for promotion and he has been duly considered. In fact in the original application most of the averments have been made concerning applicant no. 1 Shri R.C. Srivastava. The only point taken in the application is that the applicant has worked for more than three years on adhoc basis so he should be empanelled which is not according to the administrative instructions laid down by the

Railway Board for empanelment to a post to be filled by selection. The application, therefore, has no merit and the same is, therefore, dismissed. The interim order granted on 17.11.1988 restraining the respondents from reverting the applicant no. 2 Shri Prakash Lal from the post of Senior Draftsman is vacated. Costs on parties.



(B.R. Singh)  
Member (A)



(J.P. Singh)  
Member (J)

\*Mittal\*