



**Central Administrative Tribunal  
Principal Bench, New Delhi**

O.A. No. 92/2021  
M.A. No. 110/2021  
M.A. No. 111/2021

**This the 15<sup>th</sup> day of January, 2021**

(Through Video Conferencing)

**Hon'ble Mr. A. K. Bishnoi, Member (A)  
Hon'ble Mr. R.N. Singh, Member (J)**

1. Amit, Gate Man  
Age 29 years, group D  
S/o Sh. Jai Singh  
R/o V&PO Kharawar, Tehsil Sanpla Distt. Rohtak  
Haryana 124021.

2. Shiv Kumar,  
Age 28 years, Gate Man  
Group D, S/o Sh. Prem Pal Singh  
Lajpat Nagar, New Delhi, Q.No. 26, Ashawati, Rly Colony

## ... Applicants

(through Sh. B.C. Nagar)

## Versus

1. Union of India through G.M.  
N.Rly, HQ Office, Baroda House  
New Delhi.
2. D.R.M., D.R.M's Office, State Entry Road  
New Delhi.
3. Sr. D.P.O, D.R.M's Office, State Entry Road  
New Delhi. ....

## ... Respondents

(through Sh. Krishna Kant Sharma)

## ORDER (Oral)



### **Hon'ble Mr. R. N. Singh, Member (J):**

This is second round of litigation. In the first round of litigation, i.e., vide OA No. 1312/2020, the applicants had approached this Tribunal to challenge the order dated 03.02.2020 whereby selection for the post of Ticket Examiner in Pay Band - I Rs/ 5200-20200 + Grade Pay (Level-3) against 33.1/3% was notified by the respondents. The said OA was disposed of vide order dated 24.09.2020. Though a copy of that Order/Judgment dated 24.09.2020 appears not to have been placed on record by the applicants, however, the operative portion thereof is apparently recorded by the respondents in their order dated 17.11.2020 which reads as under:

“OA is disposed of with the direction to the respondent No. 3 i.e. Sr. DPO, Divisional Railway Manager Office, State entry Road, New Delhi to consider the applicants aforesaid representation dated 04.02.2020 and in any case within eight weeks from the date of receipt of a copy of this order. Pending MA also stands disposed of. However, in the facts and circumstances, there shall be no order as to costs.”

2. In compliance of the said order dated 24.09.2020 of this Tribunal, the respondents have passed the order dated 17.11.2020 (Annexure A/I-15). However, the same is not under challenge in the present OA. In the present OA also



the applicants have challenged the same order dated 03.02.2020 which was the subject matter in the previous round of litigation. The applicants have more or less prayed for the same relief as was prayed in the previous OA No. 1312/2020.

3. The reasons for issuance of the revised panel for the post of Ticket Examiner have been indicated by the respondents in their compliance order dated 17.11.2020. It is stated therein that one candidate i.e., Sh. Kulsharest, Gateman also applied for promotion from gateman to TE clerk under 33.1/3% Promotee Quota in the year 2018, he had also applied for promotion for the post of commercial clerk under LDCE 16.2/3% in the year 2018. He had given his refusal for the post of Commercial Clerk but erroneously it was mentioned in remarks as 'Refusal for the post of TCR' and another person namely, Sh. Somraj Meena S/o Sh. Ratan Lal Meena, Gateman/GHH was also left from the panel. Both the left out candidates have secured higher merit than the applicants herein. Hence, revised panel was issued vide the respondents order dated 03.02.2020, the subject matter of challenge in the present OA as well as in the previous OA. In the circumstances, under the approval of the competent authority, the names of these two applicants have been removed in the revised panel.



4. We have heard the learned counsel for the applicants and we have also perused the pleadings on record. It is not in dispute that the compliance order dated 17.11.2020 is not under challenge. Vide the said order dated 17.11.2020, the respondents have clearly given the reasons for issuance of the revised panel dated 03.02.2020 and we do not find any illegality or infirmity in the orders given by the respondents. The applicants have neither impleaded the persons whose names appear in the revised panel dated 03.02.2020 nor on behalf of the applicant it has been shown as to why the persons who have been selected vide revised panel dated 03.02.2020 are not entitled and eligible to be selected. It is settled law that merely for the reasons that if inadvertently the applicants' names have appeared in the select panel, the same will not give any enforceable right for appointment/promotion, the respondents are well within their jurisdiction to revise the panel on finding the mistakes committed therein.

5. In view of the aforesaid facts and circumstances, we find no merit in the OA. Accordingly, the same is dismissed. Pending MAs also stand disposed of. No costs.

**(R.N. Singh)**  
**Member (J)**

**(A. K. Bishnoi)**  
**Member (A)**

*cc/uma/ns/*