

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

1. O.A.No.1597/91

Date of Decision: 8/12/95

1. Shri S.K.Sharma,
Signal Inspector Gr.II(Instructor,
S & T Training School,
Ghaziabad.
2. Shri Ashok Verma,
Signal Inspector Gr.II,
Hazarat Nizammuddin,
New Delhi.
3. Shri Yashpal Singh,
Signal Inspector Gr.II,
S&I Section,
Nizammuddin,
New Delhi.
4. Shri Ganesh Das,
Signal Inspector Gr.II,
C.S.I. (West),
Moti Bagh,
New Delhi.

..... APPLICANTS

(By Advocate: Shri B.S. Mainee)
VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Chief Signal & Telecommunication,
Engineer,
Northern Railway,
H.Q. Office, Baroda House,
New Delhi.
3. The Chief Personnel Officer,
Northern Railway,
Baroda House,
New Delhi.

..... RESPONDENTS

(By Advocate: Shri R.L. Dhawan)

O.A. No. 1342 of 1995

Shri M.L. Gupta
S/o late Shri Hardev prasad,
S.I. Gr. II, Rai Bareilly,
Lucknow Division, Northern Railway,
Lucknow.

..... APPLICANT

(By Advocate: Shri B.S. Mainee)

VERSUS

1. The Chairman,
Railway Board,
Ministry of Railway, Rail Bhawan,
New Delhi.
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2. The General Manager, (Personnel),
Northern Railway,
Baroda House,
New Delhi.

3. The Chief Signal & Telecommunication
Engineer,
Northern Railway,
Baroda House,
New Delhi.

.....RESPONDENTS

(By Advocate: Shri R.L. Dhanwan)

DO RAM

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

in O.A. No. 1597/91

In this application Shri S.K. Sharma and three others, all Signal Inspectors Gr. II, have sought a direction to implement the panel of Signal Inspector Gr. I issued on 16.4.91.

2. The respondents contend that while preparing the impugned selection panel dated 16.4.91 certain irregularities were committed, in as much as three candidates from Bikaner Division who were eligible were not allowed to take the selection test, and thereby three candidates who would otherwise not have been eligible were allowed to take the selection test. Accordingly they propose to cancel the selections held and the impugned panel dated 16.4.91 drawn up on the basis of that selection and hold a fresh selection in accordance with rules.

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(2)

4. Applicants' counsel Shri Mainee has argued that the three persons said to have been ^{reconsidered for being} irregularly rejected from the selection could be ^{LH} accommodated even without cancelling the impugned list dated 16.4.91 as adequate vacancies exist. He has relied on para 316 of IREM Vol. I as well as the rulings in Harish Chandra Vs. UOI AIR 1967, Delhi 46; Prem Prakash Vs. UOI AIR 1984 SC 1831; V.K. Chattopadhyaya Vs. UOI ATJ 1990 (1) 571; ATR 1987 (1) 502; and ATJ 1992 (1) 114.

5. Respondents' counsel Shri Chawan has pointed out; and correctly in our opinion that none of the instructions and rulings cited by Shri Mainee avail the applicant in the facts and circumstances of this particular case. Attention has been invited to paragraph 215(c) and 219 (c) of IREM Vol. I which authorises the competent authority to cancel any selection not held strictly in accordance with rules, and the Hon'ble Supreme Court's judgment reported in SLJ 1992 (1) 26 wherein it has been held that such an irregularity once being detected cannot be ^{ignored} ~~ignored~~. The ruling on A. Tripathi Vs. J.P. Gupta CSJ 1993 (2) 212 is also relevant, that mere inclusion of any names in the panel does not give that person an enforceable right to be promoted.

6. Hence we see no reason to interfere in this matter. This O.A. fails and is dismissed. Stay orders if any are vacated. No costs.

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O.A.No. 1342/95

In this application Shri M.L.Gupta, Signal Inspector Gr.II has sought for a direction to declare the same panel of Signal Inspectors Gr.I issued on 16.4.91 as illegal and void, as violation of Articles 14 and 16 of the Constitution and to direct the respondents not to fill up the posts of Signal Inspector Gr.I on the basis of that panel.

2. The operative portion of our judgment in O.A.No.1597/91 as contained in paragraph 6 thereof above, will be fully applicable in the present O.A. which is disposed of in terms of those contents.
No costs.

3. Let a copy of this judgment be placed in both O.As.

A. Veda Valli
(DR.A. VEDAVALLI)
Member(J)

S. R. Adise
(S.R.ADISE)
Member(A).