

~ 11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.1929/91

Date of Decision: 18.9.92

Prem Singh and another

.. Applicants

vs.

Union of India through
the General Manager,
Northern Railway,
Baroda House, New Delhi and another

.. Respondents

For the Applicants

.. Shri G.D.Bhandari
Advocate

For the Respondents.

.. Shri Romesh Goutam,
Advocate

CORAM

THE HON'BLE MR.S.P.MUKERJI, VICE CHAIRMAN

THE HON'BLE MR.T.S. OBEROI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporter or not? *No*

JUDGMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application the two applicants who have been working as Constable in the Railway Protection Force under the Northern Railway have prayed that the respondents should be directed to declare the residual panel for the five posts of Clerks reserved for ^{the} RPF staff and to assign proper seniority to the selectees. The brief facts of the case are as follows.

2. The respondents invited applications by their notice dated 21.4.1987 at Annexure-I from Class IV employees for promotion as Clerks who are eligible for being considered for such promotion. The applicants also applied to appear

in the Limited Departmental Competitive Examination and qualified in the written test vide the communication dated 7.4.88 at Annexure A2. The applicants' grievance is that whereas a panel of 27 persons other than those in the security staff like the applicants was published vide the notice dated 29.6.1988 at Annexure A17 no panel of the RPF candidates for filling up the five posts reserved for them was published. The panel of 27 names did not include a single RPF candidate. That five posts were reserved for RPF candidates is evidenced by the notice dated 22.12.87 at Annexure A13 in which the RPF candidates were called for written examination for these five posts. Later the respondents under pressure of Contempt Proceedings published a panel of two names of RPF candidates on 26.3.1991 at Annexure A14. The grievance of the applicants is that the respondents have not issued a further list of RPF candidates for filling up the three remaining posts of Clerks reserved for the RPF candidates.

3. The respondents in the counter affidavit have stated that the applicants have not qualified in the selection and therefore, their names could not be placed in the panel. They have also referred to the Railway Board's letter dated 3.2.87 at Annexure R1 wherein it has been stated that RPF/RPSF staff may be considered for appointment in Class III posts if sufficient number of suitable persons are not available in Class IV within that department.

3

4. In the rejoinder the applicant has stated that five posts were reserved for RPF personnel in accordance with the notings in the case file. Written examination for RPF candidates were held separately on 17.1.88 and a list of 17 candidates who qualified in the written test was published on 7.4.88 as per A2. All of them were subjected to viva voce test and a provisional panel was declared at A17. There was still a short-fall of five posts for the RPF staff and confidential reports were called for, for 16 candidates vide A.12 in which the applicants' name also figures.

5. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. Since the respondents have clearly stated ^{that} the applicants' did not qualify in the selection they have got no locus standi to move this application praying for release of a further panel for RPF candidates and arrange their seniority. No rules or orders of the Railway Board have been shown to us whereby five vacancies of Clerks were to be reserved for the RPF candidates. On the other hand, in accordance with the instructions of the Railway Board dated 3.2.1987 at Annexure R1 it is ^{laid down} ~~stated~~ that promotion to Group-C post from RPF/RPSF can be made only if sufficient number of suitable employees are not available in Group-D of the Department concerned.

6. In the circumstances we see no force in the application and dismiss the same without any order as to costs.

18.9.92
(T.S. DBERJI)
JUDICIAL MEMBER

18.9.92
(S.P. MUKERJI)
VICE CHAIRMAN