

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A. No. 519/91

(23)

New Delhi, dated the 22th Feb., 1995

CORAM

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Shri Lakshmi Swaminathan, Member (J)

Shri S.D. Sharma  
working as Khalasi(Elect),  
Western Railway office at  
Rewari (Haryana)

... Applicant

(By Advocate Shri Yogesh Sharma  
proxy counsel for Shri V.P.Sharma)

V/s

1. Union of India, through the Genl.  
Manager, Western Railway, Church Gate,  
Bombay.
2. The Divisional Rly. Manager,  
Western Railway, Jaipur.
3. The Divisional Electrical Engineer,  
Western Railway, Jaipur

... Respondents

(By Advocate Shri Shyam Moorjani)

JUDGMENT (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

Applicant Shri S.D. Sharma, is aggrieved  
by his non selection for the post of Fitter (Apprentice)  
Electrical in the Western Railway, Rewari, Haryana.

2. Briefly put, applicant joined the Railway  
Department in 1978 as <sup>a substitut</sup> Khalasi(Electrical). <sup>The</sup> respondents  
~~to the~~ invited application for the post of  
Apprentice (Artisan) in the Electric Department of the  
Western Railway. It appears that the selection for  
these posts were not limited to the persons working in

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the department itself, but eligible candidates from the open market were also entitled to file applications. It appears that the selection process consisted <sup>of an</sup> ~~of a~~ written test as well as interview. From the reply of the respondents, it appears that the applicant cleared the written test and was called for the interview, but his over all performance was not good enough for him to figure amongst the list of successful candidates.

3. Admittedly, the selection was <sup>an</sup> ~~an~~ open one, and the applicant participated in the same, alongwith others. Merely, because he had previous experience as <sup>a</sup> substitute Khalasi(Electrical) in the Railway department did not give <sup>him a</sup> ~~him~~ any inforceable right to be selected in <sup>an</sup> any open selection and he <sup>can have a</sup> ~~has~~ no legitimate grievance if candidates from the open market, ~~for~~ who were adjudged better than him, were selected in <sup>an</sup> ~~an~~ open selection.

4. Shri Yogesh Sharma, during the course of hearing stated that the applicant had <sup>preferred</sup> ~~submitted~~ a representation to the respondents, against his non selection, but no speaking order had been passed. In the existing circumstances, no speaking order <sup>was necessary</sup> ~~was passed~~, and <sup>in any case</sup> ~~we note~~ that the applicant's representation was replied to vide letter dated 10-12-1990 (Ann.R-3) informing him that it was <sup>an</sup> open selection based on merit and the applicant <sup>in</sup>

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a figure  
did not <sup>to be in</sup> high enough in the merit list <sub>selected</sub>.

5. Under the circumstances, the impugned order  
warrants no interference, and this application fails  
and it is accordingly dismissed. No costs.

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan)  
Member(J)

*S.R. Adige*  
(S.R. Adige)  
Member(A)

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