

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA 634/92 MP 2736/92

Date of Decision: 13.08.1993

Shri R.N. Gautam & Ors. ..

Applicant

Versus

Union of India & Others ..

Respondents

CORAM:

Hon. Mr. I.K. RASGOTRA, Member(A).

Hon. Mr. C.J. ROY, Member(J).

Shri B.S. Mainee, Counsel for the Applicant

Shri H.K. Gangwani Counsel for the respondents

JUDGEMENT(Oral)

(delivered by Hon.Member(A) Shri I.K. RASGOTRA)

Shri R.L. Gautam and 14 others have filed this application under Section 19 of the Administrative Tribunal's Act, 1985. They have prayed that the selection to the post of Ticket Collector (Rs.1400-2300) held in 1990 by bunching of the vacancies be declared as illegal and that the said selection be set aside and quashed being violative of the instructions contained in Department of Personnel and Administrative Reforms OM No.22011/3/76-Estt (D) dated 24.12.80. According to the said order, it is incumbent on the respondents to determine the vacancies for each year and hold selection therefor, in accordance with the rules. The selection was held on 29.11.90 for the vacancies that occurred during the years from 1986 to 1990. Thus the selection was held in 1990 by bunching up the vacancies for all these years. It is also not disputed that the year-wise panels were not framed.

2. The grievance of the petitioners is that holding one selection by bunching up of vacancies abridged their chances of

year. The respondents have taken 163 vacancies for all the years together and another 90 anticipated vacancies and held one single selection by calling 452 General candidates, 24 Scheduled Caste and 14 Scheduled Tribe candidates for the said examination. The petitioners were also called for the said examination. They appeared in the test but failed to qualify. Their case is that, had the selection been held on annual basis subsequent selection examination to make a grade. The procedure adopted by the respondents limited their chances to clear the examination resulting in the curtailment of their right to seek promotion in accordance with the rules. This position is not disputed by the respondents. The only reason given by the respondents for adoption of the procedure followed is that selection could not be held annually and year-wise panel framed due to "administrative reasons". The administrative reasons have not been spelt out. There are only 15 petitioners before us, who have raised the issue of abridgement of their right. There may be many others who may have lost their chances to seek above. In the circumstances, we are of the opinion that the right course in such a situation would be that the respondents should follow selection procedure of assessing year wise vacancies and framing year-wise panels. Pending the holding of selection on the basis of year wise vacancies and framing of year wise panels, the candidates who have already been selected and appointed should not be reverted, nor should they be subjected to fresh selection. The names of the persons who are already in the select and are holding the higher grade posts should be interpolated for the purpose of inter-se seniority in the year-wise panels of the year in which they would have come in the zone of consideration on the basis of the marks obtained by them. After framing of year-wise panels duly incorporating the names of the persons who are already in service on the above basis, if the respondents find that they have more persons on

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the select list than the number of vacancies available, none of the persons who are already promoted shall be reverted and they shall be adjusted against the future vacancies. Ordered accordingly.

3. The above orders shall be implemented, with utmost expedition and preferably within a period of six months from the date of communication of this order.

4. There shall be no order as to costs.

[Signature]
(C.J. ROY)
MEMBER(J)
13.08.1993

[Signature]
(I.K. RASGO TRA)
MEMBER(A)
13.08.1993