

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2177/93

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New Delhi this the 7th day of April, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Ajai Kumar Patari,
E-181, Sector-IX,
New Vijay Nagar,
Ghaziabad(UP)

..Applicant

(None for the applicant)

Versus

1. Union of India through its Secretary,
Ministry of Railway, Rail Bhawan,
New Delhi.

2. General Manager,
Head Quarter Office,
Baroda House, Northern Railway,
New Delhi.

3. Divisional Personnel Officer,
Northern Railway, Baroda House,
New Delhi.

.. Respondents.

(None for the Respondents)

O R D E R (ORAL)

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

Applicant impugns the respondents orders dated 26.2.93
(Annexure 2) and dated 27.1.1993(Annexure 3) and prays for
declaration of the result of the selection test held on 3rd
and 4th November, 1992 for which interview was held on 10th
and 11th Feb., 1993.

2. None appeared either side when the case was called out
even on the second call. This case was listed at serial No.2
of the regular list with the caption that the
cases of the year 1993 and earlier would not be adjourned. As
this has been on Board since 17.3.99, therefore, applicant cannot
legitimately complain that he was not aware that it might come
up for hearing today.

3. As this is a 1993 case and was listed at Serial No.2
of the regular list, we are disposing it of after
perusing the materials on record..

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4. Respondents in their reply have stated that the vacancies for which the selections were to be held, arose as a result of restructuring and as per Railway Board's relevant instructions, such selections had to be made only on the basis of scrutinizing of service books and confidential reports, without holding any written test or interview. As the selections held in November, 1992 - February, 1993 were based on written test and interview, they therefore had to be cancelled.

5. Mere placement in a panel on the basis of a written test/interview does not give a person a legally enforceable right to be appointed and in view of the above, it cannot be said that the respondents acted illegally, arbitrarily, improperly or there is any infirmity in cancelling the selection test held on 3rd and 4th November, 1992 for which interview was held on 10th and 11th Feb., 1993.

6. The OA warrants no interference, the same is accordingly dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

Arjage
(S.R. ADIGE)
VICE CHAIRMAN(A).

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