

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2364/93

199

19th July 1977

DATE OF DECISION

Dharamvir Singh

....Petitioner

Shri S.S. Tiwari

....Advocate for the
Petitioner(s)

VERSUS

Union of India -

....Respondent

(Shri Rajeev Bansal, proxy counsel
for Shri B.K. Aggarwal)

....Advocate for the
Respondents.

CORAM

The Hon'ble Mr. V. Ramakrishnan, VC(A)

The Hon'ble ~~Shri~~ Mrs. Lakshmi Swaminathan, Member (J)

1. To be referred to the Reporter or not? YES
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

(V. Ramakrishnan)
VC (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A. No. 2364/93

New Delhi this the 19th Day of July 1999

Hon^{ble} Mr. V. Ramakrishnan, Vice Chairman (A)
Hon^{ble} Mrs. Lakshmi Swaminathan, Member (J)

1. Shri Dharamvir Singh,
S/o Shri Umed Singh,
R/o Village & P.O. Farmana,
Badshahpur, Teh. Mehem,
Distt. Rohtak (Haryana)
 2. Shri S.D. Pandit,
S/o Shri P.K. Das Pandit,
R/o 1/29, Ram Bazar,
Kashmere Gate, Delhi.-6
Both working as Neutral Train Examiner,
Under the General Secretary, Indian
Railway Conference Association,
State Entry Road,
New Delhi.
- Applicants

(By Advocate: Shri S.S. Tiwari)

Versus

1. Union of India, through:
General Manager, Northern Railway,
Baroda House, New Delhi.
 2. The Chairman,
Railway Recruitment Board, 105,
Sector-98, Chandigarh (UT)
 3. General Secretary,
Indian Railway Conference Association,
State Entry Road,
New Delhi.
- Respondents

(By Advocate: Shri Rajeev Bansal proxy Counsel
for Shri B.K. Aggarwal)

Hon^{ble} Mr. V. Ramakrishnan, VC (A)

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The applicants who had responded to the advertisement of the Railway Recruitment Board dated 12.5.1990 inviting applications for the post of Train Examiner and who have come out successful in the selection have challenged the action of the Railway Administration in allotting them to the Indian Railway Conference Association (IRCA) instead of the Northern Railway.

2. We have heard Shri S.S. Tiwari for the applicants and Shri Rajeev Bansal proxy counsel for Shri B.K. Aggarwal for the Railways.

3. The Railway Recruitment Board (RRB) issued an advertisement on 12.5.1990 which invited applications for recruitment to a number of posts including the category of Train Examiner for the Headquarters office of the Northern Railway, Delhi and Ambala Division of Northern Railway and Rail Coach Factory, Kapurthala. The applicants appeared in the competitive examination and came out successful. They were informed by letter dated 8.2.1991 at Annexure "D" that their names had been sponsored to General Secretary, Indian Railway Conference Association, New Delhi for ~~for~~ sending them the offer of appointment. They accepted the offer and were also deputed for training to the Training Institute, Lucknow and on completion of training they had to join in Indian Railway Conference Association (IRCA). They submitted a representation to the General Manager, Northern Railways as at (Annexure "E") but did not get any favourable response.

4. Shri Tiwari submits that the Railways could not have acted against their own advertisement which specified that the recruitment was for the Train Examiner post in Headquarter office of the Northern Railway, Delhi and Ambala and Delhi Divisions of Northern Railways. The Indian Railway Conference Association does not come under any of these categories as it is not part of the Northern Railway at all. Besides the applicants had secured high position and persons who had got lower marks in the selection had been allotted to the Northern Railway. He

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submits that this action of the Respondents is in contravention of the stipulation in the advertisement and this is not permissible. He, however, agrees that the Indian Railway Conference Association is part of the Indian Railway Administration and thus the Tribunal~~n~~ has got jurisdiction in respect of the present O.A. He also states that the applicants are located in Delhi at present but are liable to be deputed to any of the Zonal Railways and not confined~~ed~~ to the Northern Railway~~s~~.

5. Shri Rajeev Bansal, proxy counsel resist~~s~~ the O.A. He argues that the applicants are liable to be posted anywhere in the Indian Railways. Besides the applicants having accepted the offer for being posted in IRCA cannot now make a grievance. He further submits that the contention of the applicants that they did not know what IRCA is all about when they accepted the offer does not detract from the basic position that having accepted the offer, they are estopped from challenging their allotment to IRCA. He further states that due to administrative interest, the first five candidates from the General Community and the first candidate from SC Community were recommended for appointment as Train Examiner to IRCA/NDLS.

6. We have carefully considered the submissions of both sides. Shri Tiwari's contention is that the respondents should not go beyond what is stipulated in the advertisement. We find that the advertisement of the Railway Recruitment Board clearly stated as follows:

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" Applications are invited for recruitment to the following posts for Headquarter's office of the Northern Railway, Delhi and Ambala Division of Northern Railway and Rail Coach Factory, Kapurthala. Selected candidates, however, are liable to be posted anywhere on Indian Railways" (Emphasis supplied).

In view of this there is a clear liability for the selected candidates to be posted anywhere on Indian Railways. It is not in dispute that IRCA is part of the Indian Railways even though it is not coming under the Northern Railway. It is seen that the applicants had submitted option for Delhi and Ambala Divisions but this option is not necessarily binding on the Railways.

7. As regards the other contention that persons who secured lower position in the merit list had been allotted to Northern Railway, we note the submission of the respondents that due to administrative interest candidates who have secured higher ranks were allotted to IRCA. We find from Annexure "D" dated 18.2.1991 that the applicants were informed that their names had been forwarded to the General Secretary, IRCA for sending them the offer of appointment. Admittedly this offer had been accepted by them. They cannot now say that their acceptance was due to ignorance. Even otherwise, for the reasons brought out above, they have the liability to be posted anywhere in the Indian Railways including IRCA and this was made clear in the advertisement itself.

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8. In the light of the foregoing discussion, we do not find any merit in the O.A and dismiss the same with no order as to costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Member (J)

V. Ramakrishnan
(9/7/1988)
(V. Ramakrishnan)
Vice Chairman (A)

Mittal