

Central Administrative Tribunal, Principal Bench

Original Application No. 1059 of 1993
M.A. No. 1427/93

12

New Delhi, this the 29th day of July, 1999

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman
Hon'ble Mr. N. Sahu, Member (Admnv)

Shri Rajinder Singh
S/o Shri Ramji Lal
R/o MIG Flat No. 47,
Pocket F-23, Sector-3,
Rohini, Delhi-110085

.....Applicant

(By Advocate - Shri B.S. Mainee)

Versus

Union of India: Through

1. The Secretary, Railway Board,
(Ministry of Railways)
Rail Bhawan, New Delhi.

2. The General Manager,
North Eastern Railway,
Gorakhpur

3. The General Manager,
Eastern Railway,
Calcutta.

4. The General Manager,
North-East Frontier Railway,
Gauhati

5. The Chairman
Railway Recruitment Board
Mussafarpur

.....Respondents

(By Advocate - Shri P.S. Mahendru)

O R D E R (Oral)

By Baruah, J.:-

Respondents have raised a plea that this O.A. is barred by limitation. The applicant also, by way of abundant caution, has filed an M.A. for condonation of delay.

2. The applicant in his M.A. has stated that as the cases of other similarly situated persons were pending for consideration and the Railways has also issued further

So

13

instructions, therefore, in anticipation of getting an appointment, he did not approach this Tribunal immediately after the preparation of the panel. Further when the applicant saw that the persons not in the panel or juniors to him had been appointed, he filed the O.A.

3. A panel was prepared in 1988 and the unoperated portion of that panel was sent to North Eastern Railway who wrote to N.F. Railway, Guwahati for giving appointment to the remaining candidates. The N.F. Railway further referred the matter to Railway Board and since then it was pending and in the meantime, appointments have been made from the panel upto 1994.

4. We have heard both the sides. We find that the matter was at the consideration stage for a long time and, therefore, we are of the view that the applicant rightly waited till the last decision and only thereafter he filed the O.A. With each appointment, he felt that he was likely to get a job. We feel that the application is not barred by limitation. This preliminary objection is disposed of.

5. The applicant in this O.A. seeks a direction to the respondents to consider his appointment against a Class-III post. Pursuant to an advertisement, the applicant alongwith other persons submitted an application and thereafter on the basis of a written examination and vive voce test, a panel of successful candidates was prepared. The applicant's name found place in that panel. His position was 503. This panel was published in 1988. This panel was first sent to North Eastern Railway which

B

(A)

appointed some of the candidates and thereafter remaining 56 persons in the panel had been sent to Eastern Railway. Similarly, Eastern Railway appointed some of the candidates and the list of remaining persons was again sent to N.F. Railway. However, they did not make any appointment and referred the matter to the Railway Board. Meanwhile, certain more appointments have been made by way of compassionate appointments. Certain other candidates who were rendered surplus had been appointed besides those who had passed the vocational course of Railways. Two more appointments have also been made pursuant to the directions of the C.A.T., Patna Bench. As the applicant was not appointed, he filed this O.A..


6. We have heard both the sides. Shri Mainee submits that his case was ignored and instead of appointing from the panel, certain other appointments had been made and thereby he was deprived of his legitimate claim. Shri Mahendru, on the other hand, tries to justify the action of the respondents by saying that there were certain surplus employees and the Railway Administration was duty bound to lookafter their interests also. He further submits that no junior to the applicant has been appointed.


7. It is not possible for this Tribunal to come to a finding whether any juniors have been appointed or not as claimed by Shri Mahendru. However, we feel it expedient to give a direction to the respondents to appoint the applicant, when his turn comes in accordance with the list

B

15

and a vacancy arises. We make it clear that without appointing the candidates from the list, no other persons shall be given appointment.


(N. Sahu)
Member (Admnv)


(D.N. Baruah)
Vice Chairman

/dinesh/