

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 27th day of August, 2002.

Original Application No. 1037 of 1996.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, VC.  
Hon'ble Maj. Gen. K.K. Srivastava , A.M

Ashwani Kumar Ojha S/o Sri Hari Ram Ojha  
R/o Vill. Malaon, Post- Assaunji Bazar,  
Distt. Gorakhpur.

.....Applicant

Counsel for the applicant :- Sri A.S. Diwaker

V E R S U S

1. Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,  
Allahabad.
3. General Manager (P), Northern Railway, Head  
Quarters Office, Baroda House, New Delhi.
4. Smt. Anjana Srivastava, Uttar Railway Inter  
College, Tundla.


.....Respondents

Counsel for the respondents :- Sri A. Tripathi  
Sri Z.A. Faruqui

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this OA under section 19 of the Administrative  
Tribunals Act, 1985, the applicant has prayed for  
direction to respondents to appoint the applicant on  
the post of Post Graduate Teacher (Lecturer Hindi)  
in the garde of Rs. 1640-2900 (RPS) in a college in  
Allahabad Division as per advertisement dated 31.07.1993.



2. The facts of the case are that in pursuance of the advertisement published by the Railway Recruitment Board (R.R.B) the applicant applied for appointment as P.G. Teacher. The applicant appeared in the written examination and he qualified. Thereafter he appeared in the interview held on 14.12.1995. His result was declared on 25.01.1996. However, the post for which applications were invited, ~~the~~ respondent No. 4 was <sup>already</sup> appointed on adhoc basis on 30.08.1993. A policy decision was taken by the Railway Board to regularise the services of adhoc teachers serving in various educational institutions rendered by the Railway. In pursuance of that policy decision, a proposal was made and the respondent No.4 was regularised on 25.09.1995. Consequently the applicant though selected for the post by the R.R.B could not be offered <sup>for</sup> appointment, aggrieved by which he has approached this Tribunal.

3. The learned counsel for the applicant has submitted that as the proceedings for selection were continued, the process for regularisation could not be undertaken by the respondents. The applicant appeared in the written test and viva-voce and he was declared successful. Thus the regularisation of respondent No. 4 is illegal, arbitrary and is liable to be quashed. The applicant is regularly selected candidate and he should be given preference in appointment.

4. The learned counsel for the respondents on the other hand has submitted that though the respondent No. 4 was engaged as time gap arrangement on adhoc basis but she was subsequently regularised on basis of policy decision taken by the Railway Board which is the competent authority and regularisation of appointment of respondent No. 4 does not suffer from any error of law.

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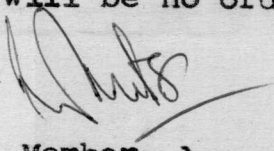


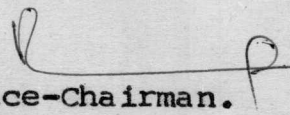
5. We have carefully considered the submissions of learned counsel for the parties.

6. It cannot be denied that appointments made on adhoc basis are mostly back-door entry and the appointments are made without any process of selection and the candidates selected on merits cannot be ignored for accommodating adhoc appointees. However, the position now is that as the respondent No. 4 was regularised under policy decision taken by the Railway Board which is competent authority to direct appointments otherwise than regular selection through Board, <sup>at</sup> ~~The~~ <sup>an</sup> appointment of respondent No. 4 now cannot be quashed. But it is also very difficult to ignore the claim of regularly selected candidate. The railway authorities considering this aspect by letter dated 06.04.1996 (CA- 7) themselves proposed to accommodate the applicant as teacher in some other ~~division~~ <sup>wherever</sup> the vacancy is available. On this proposal no action has yet been taken.

7. In our opinion, the ends of justice require that this OA may be disposed of with direction to the respondents to accommodate the applicant against a vacancy which ~~is~~ <sup>becomes</sup> next <sup>in</sup> ~~in~~ near future in existence or <sup>or</sup> available/either in this Division or any other Division. It is made clear that applicant will be entitled for relaxation in age.

8. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/