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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 388 of 1997

Allahabad this the 17th day of May, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.C.S. Chadha, Member (A)

Mahesh Kumar Bali Son Ravi Dutt Bali, resident of House No.170 K, N.E.R., New Loco Colony, Chittipur, Varanasi.

Applicant

By Advocate Shri S.K. Om

Versus

1. Union of India through Divisional Railway Manager, N.E. Railway, Varanasi.
2. The Divisional Personnel Officer, N.E. Railway, Varanasi.
3. Vijai Kumar Saran Son of Mr.Krishna Kumar Saran C/o N.E.R. Bharat Scouts and Guides Office, D.R.M. Office, Varanasi.
4. Rajesh Kumar Tiwari Son of Manand Tewari, C/o N.E. Railway, Bharat Scouts Guides, Divisional Railway Manager,Office, Varanasi.

Respondents

By Advocate Shri V.K. Goel

O R D E R (Oral)

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

By this application under Section 19 of the Administrative Tribunals Act, 1985 the applicant has prayed for a direction to quash the panel dated

31.03.97 (annexure-5) by which the respondents no. ~~and~~ 3/4 were selected for appointment against group 'D' out of Scouts quota. ~~Resisting~~ ^{at} the claim of the applicant, counter-reply has been filed by the respondents, in which it has been stated ~~in~~ ^{on} page-3 that the applicant was selected in 1991, but it was clearly mentioned in the letter that appointment will be subject to availability of the posts and seniority. Railway Board vide their letter dated 24.7.92 banned the complete recruitment against cultural/scout quota with immediate effect. In view of the aforesaid direction, the applicant could not be appointed. In 1996 by order dated 03.01.96 Railway Board again ~~open~~ ^{open} the recruitment from cultural and scout quota for the session of 1995-96 with the clear mention that quota prior to 1995-96 shall not be taken into account. The applicant participated in the selection in 1996-97 but he was not found suitable. Learned counsel for the applicant has submitted that as applicant was already selected in 1991, he was more suitable for ~~for~~ appointment, and he should be given opportunity. However, these submissions cannot be accepted in view of clear directions by the Railway Board that quota prior to 1995-96 shall not be taken into account. It was open selection. The applicant and several others ~~were~~ participated. The Selection Committee, however, selected according to their wisdom the best candidate out of them. There is nothing on record to doubt the selection process. This Tribunal

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cannot substitute itself as a Selection Committee.

2. After hearing the counsel for the parties, we do not find any illegality in the selection process warranting our interference in the selection. The O.A. has no merit and is accordingly dismissed. No order as to costs.

B. G. Cheetham

Member (A)

/M.M./

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Vice Chairman