

(Open Court)

Central Administrative Tribunal

Allahabad Bench, Allahabad.

Dated: Allahabad, This The 14th Day of July, 2000.

CORAM:

Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Mr. M.P. Singh, A.M.

Original Application No. 596 of 1997.

1. Suresh Chandra Raj Bahadur,  
S/o Sri Raj Bahadur,  
Aged about 38 years.
2. Rakesh Kumar,  
S/O Sri Chhote Lal,  
Aged about 41 years,
3. Akhilash Kumar Khare,  
S/O Sri Achhey Lal,  
Aged about 33 years.
4. Govind Das Asatia,  
S/O Sri Bhargirath Asatia,  
Aged about 38 years.

All working as Class IV employees in the Senior Section  
Engineering, Diesel Shed, Jhansi.

.... . Applicants.

Counsel for the Applicants: Sri V. Nath, Adv.

Versus

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. Divisional Railway Manager (Personnel), Central Railway, Jhansi.
3. Divisional Personnel Officer, Central Railway, Jhansi.
4. Ram Gopal Sharma H/Kh. CWS JHS
5. Laxmi Narain Ghansu , , CCC JHS
6. Ramesh Chandra Bengali YKC CCC JHS  
Prasad.
7. Ashok Kumar Ranjilal D/H LF/D AGC
8. Mahesh Chand Lalaram D/H LR/D AGC
9. Km. Manju Khare D/Cleaner LF/D JHS

Re

.... , contd...

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10. Gajendra Mohan Tripathi	Khalasi CWS JHS
11. Sanjoy Litoria	D/Cleaner 2D JHS
12. Dinesh Chandra Mishra	BOX-BOY LF/JUHI
13. Dharam Singh Lalji	D/Cleaner LF/DJHS
14. Dilip Kumar Meena	YKC PCOR/BNDA
15. Shrawan Kumar Meena	YKC PCOR/BNDA

4 to 15 working as Class IV employees in the Senior Section Engineering, Diesel Shed, Jhansi.

.... Respondents.

Counsel for the respondents: Sri A. Sthalekar, Adv.

O R D E R (Open Court)

(By Hon'ble Mr. Rafiq Uddin, Member-J)

Applicants appeared in the selection for the post of Jr. Clerk in the Grade of 950-1500. The applicants were working as Class IV employee under the Central Railway and are posted at Jhansi. The appointment to Class-III posts of Jr. Clerk in the pay scale of Rs. 950/1500 is to be filled up partly by direct recruitment and partly by departmental promotions to the extent of 33.33% for the Class-IV employees. A selection was held for filling up 12 vacancies by the respondent No.2 against departmental promotion quota. The applicants were also eligible and accordingly were called for written test which was held on 30.11.1996 and 07.11.1996. The applicants qualified the written test and were found suitable for viva-voce test. The applicant has filed the O.A. with the allegation whether the selection procedure is in two stages namely written test and viva-voce test from the candidates who qualify the written test only three times of the vacancies are to be called for the viva-voce test. In the present case the respondents invited six times the number of

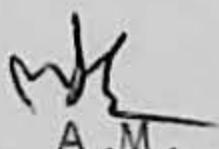
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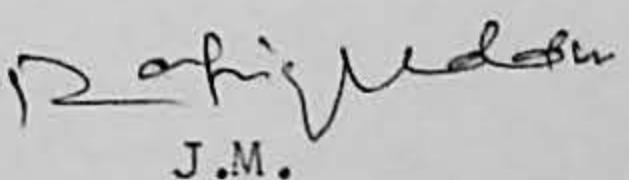
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vacancies for viva-voce test. Hence the selection is illegal.

2. The respondents in the counter reply have denied the status of the applicant has already appeared in the selection it is not open to challenge the same. It is also stated that there is no restriction about qualified candidates for viva-voce test. All the candidates who have qualified the written test were called for viva-voce and the applicants could not qualify. A perusal of pleadings and heard counsel for the respondents. It is evident that the applicant has challenged the selection merely on the ground that the seeks times number of vacancies were called in question. He required on behalf of the applicant under provision such restrictions are applied in such selection. On the other hand we are convinced from the stand taken by the respondents that the applicants having taken part in the selection have no right to challenge the same at this stage. There is no provision restriction the number of candidates called for interview who already qualified for written test. The O.A. is accordingly dismissed.

3. There shall be no order as to costs.

  
A.M.

  
J.M.

/Raza/