

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 698 of 1997

Allahabad this the 16th day of September, 2004

Hon'ble Mr. Justice S.R. Singh, Vice Chairman
Hon'ble Mrs. Roli Srivastava, Member(A)

1. Ajoy Kumar S/o Kashi Nath R/o Hopper Colony/
Mughalsarai.
2. Laxaman Pd. S/o Ram Lakan, Chakia, Varanasi.
3. Sanjoy Kumar S/o H.N. Rawat, Markinganj, Gorakhpur.
4. Sudhir Choudhary S/o M.P. Choudhary, Hajiganj,
Patna.
5. Radha Devi W/o Laxman Pd., Chakia, Varanasi.
6. Lallan Rawat S/o Jhuri Rawat, R/o Uria, Ghazipur.
7. Rajesh Kumar S/o Punawasi Ram, Mughalsarai, Varanasi.
8. Ranjit Rawat S/o Babu Lal R/o Gaya Colony/Mughal-
sarai.
9. Manoj Pd. S/o Ramashanker Pd. R/o European Colony/
MGS.
10. Jairam S/o Moti Lal R/o Bhatwali Bazar, Ghazipur.
11. Sukhai Pd. S/o Ram Pherai R/o European Colony,
Mughalsarai.
12. Ashok Kumar Anand S/o Chauthi Ram, Chauhala, Varanasi.
13. ~~XX~~ Vinod Kumar Anand S/o Chauthi Ram R/o Chauhata,
Varanasi.
14. Suman Kumar Bharti S/o Ram Abhilash, Teliabagh,
Varanasi.

12. Sri Bireha.
13. Sri Lal Babu.
14. Sri Binod Kumar
15. Sri Jainendra
16. Sri Binod Kumar.
17. Sri Upendra Kumar.
18. Santosh Kumar.
19. Sri Dev Kumar Gond.
20. Sri Gopina Bakra.
21. Lalan.
22. Sri Krishna.
23. Sri Rameshwar.
24. Sri Manju Kumar.
25. Sri Rajesh Kumar.
26. Sri Shanker Ram.
27. Sri Nathuni Ram.
28. Sri Nukund Toppo.
29. Sri Rajendra.
30. Sri Om Prakash.
31. Miss Sunita K.
32. Sri Krishna K.
33. Sri Vijay K.
34. Sri Arun Kumar Paswan.
35. Sri Baleshwar Jee.
36. Sri Abhimangu Paswan.
37. Sri Chhoote Lal.
38. Sri Krishna K.
39. Sri Surendra P.
40. Sri Sachida.
41. Sri Ghanshyam Ram.
42. Sri Dayanand P.
43. Sri Raj K.
44. Sri Suresh Soran.
45. Sri Sanjay K.
46. Sri Nand Lal.
47. Sri Anirudha Ram.
48. Sri Suresh K.G.
49. Sri Rameshwar Dass.
50. Sri Ramal Graon.
51. Sri Shiv Shanker.
52. Sri Shiv Shanker Ram.
53. Smt. Manju Lata.
54. Jitendra P.
55. Sri Ram Krishna

56. Sri Satya Prakash.
57. Sri Parmeshwar P.
58. Sri Chhatto P.
59. Sri Lal Babu P.
60. Sri Vijay K.
61. Sri Sushil P.
62. Sri Manoj Kumar.
63. Sri Ramesh .
64. Sri Lal Bahadur.
65. Sri Virendra P.
66. Sri Kamla P.
67. Sri Nand Lal Majhi.
68. Sri Amar Nath.
69. Sri Ashok K.
70. Sri Ajay Anjand.
71. Sri Daya Shanker Ram.
72. Sri Prakash Chand.
73. Sri Paras Nath.
74. Sri Dhanpal Meena.
75. Sri Bisheshwar Pater.

All working on Group 'D' posts in the Offices under D.R.M. Eastern Rly. Mughal Sarai are to be served through the D.R.M. Eastern Railway, Mughal-sarai.

Respondents

By Advocates Shri A.V. Srivastava.
Shri Manu Saxena
Shri Ajit Kumar

O R D E R (Oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

By means of notice dated 23.11.1995 (annexure A-1), sanction of General Manager to undertake open market recruitment of 47 S.C. and 58 ST in Group 'D' category, 'locally' against the shortfall/backlog of S.C./S.T. was communicated to the Divisional Railway Manager, Eastern Railway, Mughalsarai. The applicants, it is alleged, were amongst the candidates who applied pursuant to the advertisement aforesated. However, they failed to secure selection. The private respondents were selected and appointed, and the challenge herein is ^{to} the validity

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of panel dated 28.06.1997, which is sought to be quashed coupled with a direction to respondents to consider the applicants for Group 'D' posts. Shri Sudhir Agarwal, learned Senior Advocate submits that according to sanction order dated 23.11.1995, recruitment of 47 S.C. and 58 S.T. was required to be made from amongst the 'local' candidates. Shri Sudhir Agarwal has submitted that the word 'local' used in the sanction order dated 23.11.1995 is intended to confine consideration of the local candidates. Most of the respondents/^{who} have been empanelled for recruitment belong to distant places in State of Bihar and West Bengal, hence entire process of selection is vitiated. Shri Sudhir Agrawal has submitted that selection is ~~also~~ vitiated ^{also} due to the reason of favour shown by Shri Bipin Prasad Shahabad, Un-official Member of the Selection Board, who belongs to Gangoli, P.O. Dehari, District Rohtas, State of Bihar, and it was because of his influence that ~~most~~ of the selected candidates belong to State of Bihar.

2. So far as the submission that consideration for appointment to Group 'D' post should have been confined to ~~as~~ the local people, suffice it to say that there is no such mention in the advertisement(annexure A-2). Advertisement actually issued on the basis of sanction order dated 23.11.1995 has not been filed and in any case the word 'local' used in the sanction letter dated 23.11.95 has not been defined in the said order. The term 'Local Resident' used in para-179 of the Indian Railway Establishment Manual Volume I has also not been defined. It is true that clause VI of para-179 of the Manual provides that an employment notice indicating the total number of vacancies, the number of vacancies reserved for S.C.

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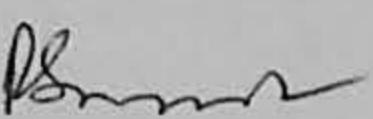
and S.T., scale of pay, qualifications prescribed etc. as well as the last date for receipt of applications, should be prepared in due time and issued to Employment Exchanges within the recruitment unit and to the recognised Associations of Scheduled Castes and Scheduled Tribes so that adequate publicity is given with a view to attracting the maximum number of local residents.' but that ~~too~~ ^{by} itself would not mean that recruitment should be confined only to local candidates. Article ~~of the Constitution~~ shall, 16(2) provides that no citizen ^{on} grounds only of religion race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against, in respect of, any employment or office under the State. The applicants, it is not disputed, were also considered but they failed to secure ^{any} place in the panel. In the circumstances, therefore, we are of the view that no prejudice ~~shall~~ caused to the applicants and the select panel cannot be said to have ^{been} vitiated merely because candidates belonging to State of Bihar and West Bengal were considered and selected.

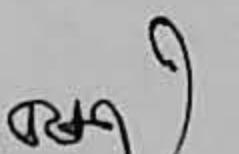
3. So far as the allegation that process of selection was vitiated ~~but~~ due to favour shown by the non-official member Shri Bipin Prasad Shahabad is concerned, suffice it to say that in para-7 of the counter-affidavit filed by respondents no.1 and 2, it has been clearly stated that no pick and chose policy was adopted in the selection. That apart no specific allegation has been made about the manner of favouring the individual candidates. The selected candidates have already been appointed and are working on their respective posts. We are not persuaded to interfere with the panel

Ref

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4. In view of the above discussion, the O.A.
fails and ~~is~~ dismissed accordingly. No order as to
cost.


Member (A)


Vice Chairman

/M.M./