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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No. 661(T) of 1986

Kashi Ram and others.

plaintiffs.
applicants.

Versus

Union of India and another

Defendants
respondents.

Hon'ble D.S.Misra,A.M.
Hon'ble G.S.Sharma,J.M.

(Delivered by Hon'ble D.S.Misra)

This is an original suit no. 467/84 which was pending in the court of Munsif I Jhansi and has come on transfer under Section 29 of the A.T. Act XIII of 1985.

2. The plaintiffs' case is that while working as Sub Overseer Mistry Grade I, they were found successful in a selection test held in the office of the Divisional Railway Manager, Central Railway Jhansi on 28.3.83; that the plaintiffs were included in the panel formed for promotion as Inspector of Works in the grade Rs. 425/700 vide D.R.M. letter dated 13.5.83 and this panel was also approved by A.D.R.M.(T) Central Railway Jhansi on 26.4.83; that the plaintiffs nos. 1 to 3 were already working on ad hoc basis prior to the formation of the aforesaid panel and they were allowed to continue to work as Inspector of Works on the basis of their having been placed in the aforesaid panel; that plaintiff no.1 and one Sri Janaki Prasad were promoted in a regular manner vide D.R.M.(P) Office Order no.57 dated 26.5.83; that Sri Janaki Prasad has since retired; that plaintiff no.2 represented to the administration for being absorbed in the vacancy caused on account of the retirement of Sri Janaki Prasad; that the plaintiffs have come to know that the Chief Personnel Officer Central Railway Bombay VT vide his letter dated 2.12.83 has decided to scrap the panel approved by the authorities

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on 26.4.83 ; that the decision of the CPO Bombay VT to scrap the panel is arbitrary, mala fide ,discriminatory and against the rules and principles of natural justice.The plaintiffs have prayed for declaration that the decision of the CPO Bombay dated 2.12.83 scrapping the panel formed for promotion to the post of Inspector of Works is illegal and null and void and issue of a direction for not holding fresh selection test for the post of Inspector of Works for which a panel has already been formed and implemented.

3.In the written statement filed on behalf of the defendants, it is stated that the plaintiffs were placed on provisional panel of Inspector of Works Grade III and are still continuing as Inspector of Works except the plaintiff at sl.no.2,who retired; that some irregularities have been noticed by H.Q.Office Bombay V.T. in the selection so conducted, and this provisional panel is being reviewed rectifying the irregularities as per clarification receipt from H.Q. Office letter dated 22.4.85; that it was ^{earlier} /decided by the H.Q.Office that the provisional panel so formed, should be treated as cancelled but D.R.M.Jhansi vide his letter dated 1.2.85 sent a recommendation to the H.Q.Office that instead of scrapping the provisional panel, the same may be reviewed and the C.P.O. Bombay had conveyed the clarification/decision to review the provisional panel vide his letter dated 22.4.85; that the selection process has been completed by D.R.M. Jhansi and the panel is being reviewed and the allegation that the panel formed earlier had been scrapped is not correct; that the post,against which Sri Janaki Prasad ^{was working on a} ~~IOW,~~ ^{was a work} charge post and the currency of that post had expired at the time of retirement of Sri Janaki Pd., hence it was not possible to post plaintiff no.2 in place of

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Janaki Prasad; that plaintiffs will not be required to appear in a fresh selection for promotion to the post of Inspector of Works. We have heard the arguments of the learned counsel for the parties. The plaintiffs have themselves filed copy of letter dated 13.5.83 indicating the formation of panel for promotion to the post of Inspector of Works. The name of the four plaintiffs is contained in this order (at page 14 C 1). There is also a clear mention in this letter that the panel is provisional and has been approved by the ABRMT on 26.4.83. In paper 15C, letter dt. 26.5.83, plaintiff no.1 and Sri Janaki Prasad, who was at sl.no. 2 in the provisional panel, in the letter dt. 13.5.83 were appointed on officiating basis. In the letter dt. 2.12.198 (at page 16C), it is stated that the panel prepared in May, 1983 has been scrapped. This letter is with reference to some letters sent by Executive Engineer, Jhansi, to the Chief Personnel Officer in reply to his proposal of giving promotion as IOW ^{to} Jagat Singh, who was at sl.no.3 in the panel prepared earlier. This letter appears to have given the cause of action to the plaintiffs, who were apprehending that orders already passed in their favour may be changed to their disadvantage. The reply filed by the respondents indicates that there has been further development in the matter and the decision taken by the competent authority (Railway Administration) does not envisage scrapping of the panel. It also states that there will be no fresh selection for promotion to the post of Inspector of Works so far ^{as} the plaintiffs are concerned. In these circumstances, there is no likelihood of the plaintiffs suffering in any way at this stage. We are, therefore of the

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opinion that as the plaintiffs have ^{been} provided the relief prayed for them, the suit has become infructuous and the same is dismissed without any order as to costs.

Shm

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