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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.168 of 1987

(W.P. No.2301 of 1983)

Bhur Prakash Kumar Petitioner

Versus

Union of India & Others Respondents

Hon. S. Zaheer Hasan, V.C.
Hon. Ajay Johri, A.M.

(By Hon. S. Zaheer Hasan, V.C.)

Writ Petition No. 2301 of 1983 has been transferred to this Tribunal from the Hon'ble High Court of Judicature at Allahabad under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. Petitioner Bhur Prakash Kumar has filed this petition against Union of India, Railway Service Commission, Senior Personnel Officer, Northern Railway, New Delhi and Director of Establishment, Rail Bhawan, New Delhi with a prayer that the respondents be directed to absorb the petitioner. According to No. notice/4/76-77, 9 posts (4 general) of Junior Chemical and Metallurgical Assistant were advertised ^{by Service} by the Railway Commission. The petitioner also appeared at the interview held on 19.12.77. The result was declared on 25.1.1978. ~~When~~ The petitioner did not qualify in the final selection, ^A reserve list ³

(P.M. 2)

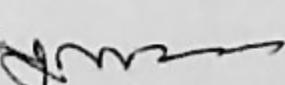
was prepared in which the petitioner's name appeared at Sl. No.30. The petitioner's case is that he was discriminated and proper procedure was not followed though his name was in the reserve list, he was not given appointment though demand was made in time.

3. Nine posts of Junior Chemical and Metallurgical Assistants (5 Scheduled Caste etc. and 4 general) were advertised and interview was held on 19.12.77. The result was declared on 25.1.1978. Before selection 8 general and 6 Scheduled Castes posts were demanded by D.L.W. In this way there were 12 general posts and when the result was declared the petitioner's name did not find figure in the ^{list of} ~~list of~~ successful candidates because his name was at Sl.No.30. This reserve list was prepared in January, 1978. According to the Railway Board's letter of 1964 the reserve list should be prepared simply to meet the emergent demand e.g. when a candidate does not join or he is not found medically fit. This list cannot be treated as a regular panel nor it can be utilized as a matter of course. Fresh demand should not be made from the reserve list whose life is two years or until the next panel is available. Before expiry of the panel, Northern Railway placed an indent of 5 general posts and D.L.W. placed an indent of 3 general and 2 Scheduled Caste posts. In this way the total general seats comes to 20. The petitioner was at Sl.No.30.

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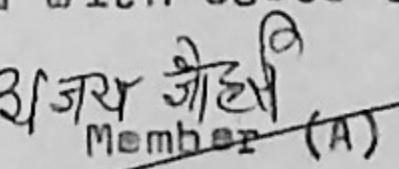
(P.M.C.)

So naturally he could not be declared as successful. The life of this reserve list expired on 25.1.1980. The next indent was made on 20.2.1981. On 25.4.81 fresh applications were invited and by that time the petitioner became overage. In 1983 the present writ was filed. So in short the above facts and figures would show that the petitioner's name was at Sl.No.30. The reserve list was prepared in January, 1978 and it expired on 25.1.1980. Even if the 5 + 3 indents for general seats are filled the candidate at Sl.No.30 cannot be selected. So it is immaterial that the respondents did not expressly state that these general seats indented by Northern Railway and 3 general seats by D.L.W. were filled. They have stated that the demand for these seats was made before the expiry of the panel. As already stated, even if these 5 + 3 general seats are filled the candidate at Sl.No.30 will not get any chance. The reserve list expired on 25.1.1980. The next indent was made on 20.2.1981. Fresh applications were invited on 25.4.81 and by that time the petitioner became overage. This writ was filed in 1983. To our mind there was no irregularity and it appears that the petitioner is of the view that since his name was in the select list, he should have been selected. It may be repeated that he was at Sl.No.30 in the select list and if all the general seats indented within time limit are filled the candidate at Sl.No.30 will not get any chance. The petition is dismissed with costs on parties.


Vice Chairman

Dated the 23 Oct., 1987

RKM


Member (A)