

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the day 28 May 1997.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A

Hon'ble Mr. T.L. Verma, Member-J

ORIGINAL APPLICATION NO. 1391 OF 1992.

Idrish Mohammad, S/o Shri Gafoor Ahmad,

R/o Mohalla patnau, Rath,

District-Hamirpur (U.P.).

..... Applicant.

(By Advocate Shri R.K. Nigam)

Versus

1. Union of India through General Manager,
Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway,
Jhansi.

..... Respondents.

(By Advocate Shri V.K. Goel)

ORDER (ORAL)

(By Hon'ble Mr. S. Das Gupta, Member-A)

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1. Through this application, the applicant has sought a direction to the respondents to issue to him an order of appointment on the post of Diesel Cleaner within a fix time frame.

2. The admitted position in this case is that 230 vacancies of Diesel Cleaner were notified by the respondents. The applicant was one of the candidates and after the examination, the applicant was also selected and he was placed at serial no. 264 in the merit list. The applicant, however, was not appointed and it is the case of the respondents that due to administrative exigencies, the number of vacancies was reduced and finally only 134 posts were filled. The applicant, therefore, could not be accommodated.

3. The applicant has taken ^{the} ground that the action of the respondents is malafide and discriminatory and it is in breach of Article 14 and 16 of the Constitution.

4. We have heard the learned counsel for both the parties and perused the pleadings on record.

5. It is now settled law that ^{mere} ~~more~~ success in the selection examination does not give an inalienable right to candidate for appointment

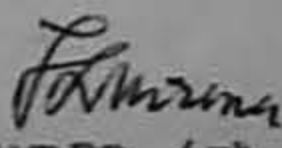
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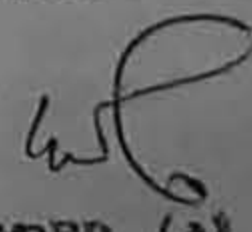
on the post. It is entirely for the authorities concerned to fill the vacancies or to what extent vacancies should be filled. This ~~was the~~ proposition of law ~~which~~ was enunciated in the case of Shankarsan Das. It was, however, stipulated in that case that non filling of the vacancies shall not be arbitrary.

6. The respondents have specifically stated that because of shrinkage of work, the vacancies have to be curtailed. We, therefore, do not find that non filling of all the vacancies notified ~~was~~ is arbitrary. However, even if all the vacancies notified were filled, the applicant could not have been given an appointment as his position was at serial no. 264 and the number of vacancies are 230.

7. The learned counsel for the applicant mentioned during the course of arguments that the respondents have admitted having recruited five Scheduled Caste candidates and this has prejudiced the applicant's prospects. We are unable to appreciate this contention of the learned counsel for the applicant.

8. In view of the foregoing, we find no merit in this application and the same is accordingly dismissed. Parties shall bear their own costs.


MEMBER (J)


MEMBER (A)

am/