

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.Dated: Allahabad, the 23rd day of February, 2001

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC

Hon'ble Mr. S. Dayal, A.M.ORIGINAL APPLICATION NO. 1433 OF 1992

1. Pravin Kumar,
s/o Sri Brij Kishor Sharma,
r/o village and P.O. Kherigarh,
District Ferozabad.
2. Hari Singh,
s/o Sri Raghbir Singh,
r/o village Nagla Duli,
P.O. Takha, Distt. Etawah.
3. Ram Jas,
s/o Chunni Lal,
r/o village Ulau, PO Hirangaon,
District Ferozabad.
4. Bhuvnendra Kumar,
s/o Sri Manik Chandra,
r/o village Nagla Rati,
PO Tundla, Distt. Ferozabad.
5. Kamraj Singh,
s/o Sri Sobaran Singh,
r/o village Latipur, P.O. Latipur,
district Ferozabad.
6. Komal Singh,
s/o Sri Dhani Ram,
r/o vil. & PO Latipur,
District Ferozabad.
7. Ashok Kumar Tiwari,
s/o Sri Satish Chandra Tewari
(wrongly typed in the seniority list
as Sri Daya Sagar Tewari),
r/o village and P.O. Dhirpura,
District Ferozabad.
8. Komal Singh,
s/o Sri Khachermal,
r/o vill. Bhamsei, PO Dudna,
District Ferozabad.

9. Ram Ratan Sharma,
 s/o Sri Siya Ram Sharma,
 r/o village and P.O. Dhirpura,
 District Ferozabad.

10. Giriraj Singh,
 s/o Sri Shiv Prasad,
 r/o village Olai, PO Hirangaon,
 District Ferozabad.

11. Kitab Singh,
 s/o Sri Ratiram,
 r/o village Naglapir,
 P.O. I.T.I. District Itawah.

12. Sukhbir Singh,
 s/o Sri Shiv Prasad,
 r/o village Darapur, PO Hirangaon,
 district Ferozabad.

..... Applicants
 (By Advocate Sri A.K. Dave)

Versus

1. Union of India, through the Divisional
 Railway Manager, Northern Railway, Allahabad.

2. Divisional Personnel Officer,
 office of the Divisional Railway Manager,
 N. Railway, Allahabad.

..... Respondents
 (By Advocate Sri A.C. Mishra)

O_R_D_E_R

(RESERVED)

(By Hon'ble Mr. S. Dayal, AM)

This application under Section 19 of the
 Administrative (Tribunals) Act, 1985 seeks the relief
 of interpolation of the names of the applicants at
 appropriate places in panel dated 24.9.67 on the basis
 of their seniority and post them as regular Group 'D'
 Railway servants with all consequential benefits.

Contd..3

2. The case of the applicants is that they were called for appearing at screening test at various stations in a phased manner for regularisation of their services as permanent Group 'D' staff in the scale of Rs.750- 940. The Notification dated 28.10.66 issued for the purpose contained their names in order of seniority based on their working days. The applicants, it is claimed, satisfied the conditions of engagement before 1.8.78 in the Railways and engagement before 1.9.78 in Allahabad Division, working for four months in traffic and commercial department and completing a total of 410 days of work. The respondents after screening declared names of 68 candidates subject to change in their ranks in the panel on account of interpolation of some other names. The applicants claim that ^{They} ~~they~~ should have been promoted based on their rank in the list dated 28.10.86 regardless of result of screening and that in any case they should have been included in the names ^{to} ~~be~~ be declared.

3. The respondents have contested their claim on the ground that they did not succeed in screening which consisted of selection based on a number of variables, which were considered and that on verification they were found to have worked for lesser number of days as in subsequent screening held in 1989, they did not fulfil the criterion of even 337 working days.

4. The respondents were directed to produce the result of screening held in 1986-87, but they could not trace the record of screening and produce the same. The respondents could not produce the record on the ground that it was not available.

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5. We have heard Shri A.K. Dave for the applicant and Shri A.C. Misra for the respondents and considered the pleadings on record of this case.

6. The learned counsel for the applicant contended that since record of selection which was ordered to be produced on 21.8.97, the claim of the applicants should be accepted and they should be granted the relief. We have earlier seen that the relief is for interpolation of their names in the panel. The grant of relief on the basis of adverse inference is not called for owing to applicants' admission in para 4.17 of the O.A. that none of the applicants was empanelled. The applicants have mentioned that empanelment was a mere formality based on the seniority in the Notification dated 28.10.86. The Counter Reply of the Respondents draws attention to paragraph 3 of the Notification, which shows that the list was provisional and was prepared on the basis of information received and that it was not the approved seniority list. The ~~list~~ ^{screening} was, therefore, provisional subject to further checking, screening and verification. Besides, the contention of the respondents is that screening consisted of medical test, term of appointment, knowledge of work, their enrolment on the live register for casual labour and thus, involved a process of selection.

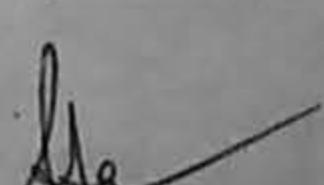
7. It appears from Annexure A-3 to the O.A. that only 68 persons were empanelled, although 386 were called as per Annexure No. A-1 to the O.A. The last empanelled candidate was at sl. No. 362 in the list. Out of 12 applicants, the names of only 8 appear in the part list (from sl. No. 93 to 98, 187 to 195, 283 to 289 and

324 to 365 and 381 to 384), which is annexed as Annexure No. A-1 to the O.A. Out of these, the name of Ram Ratan Sharma, Ashok Kumar and Bhuvanendra Kumar cannot be verified, because either their own or their fathers' names as shown in the OA and in Annexure No. A-1 to the OA are at variance. The name of Sri place Sukhbir Singh is in the last in the list A-1. The names of Sri Ram Jas, Sri Hari Singh, Sri Kamraj Singh and Sri Giriraj Singh do not appear to be mentioned in Annexure No. A-1, but appear in Annexure SA-I, in which their working days are much below 410.

8. We also find from the panel that the names are not in serial order as per Annexure A-1 to the OA and, therefore, scrutiny appears to involve some system of verification by which the order in which they appeared in Annexure No. A-1 changed in Annexure No. A-3 to the OA.

9. It is true that the respondents had mentioned in Annexure No. A-3 to the OA that the rank of more empanelled in Annexure A-3 was likely to change on release of the second list of empanelment. But, it is not the case of the applicants that any such second list was released.

10. Under the circumstances, we hold that the applicants have failed to establish their claim for relief and, therefore, the O.A. is dismissed as lacking in merits. No order as to costs.


(S. DAYAL)
MEMBER (A)


(R.R.K. TRIVEDI)
VICE- CHAIRMAN

Nath/