

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original Application No.1699 of 1992

Dinesh Chand Pandey

.... Applicant

Versus

Union of India & others

.... Respondents

AND

Original Application No.1700 of 1992

Ashok Kumar Singh

.... Applicant

Versus

Union of India & Others

.... Respondents

HON'BLE MR. MAHARAJ DIN, MEMBER (J)

HON'BLE MISS USHA SEN, MEMBER (A)

(Hon. Miss Usha Sen- A M)

The applicants of these two D.As. have sought the relief of giving them appointment in the post of Shroff (Rs.260-400 Old scale) or any other post as a consequent of the selection test made by the Railway Recruitment Board in terms of their Employment notice No. 1/82-83 for which the applicants were also candidates.

2- The written examination for the aforementioned recruitment was held on 26-12-1982. The interview was held on 22-3-1983. Out of the 109 candidates interviewed 32 were selected in accordance with merit. The applicants did not figure in the list of selected candidates. The panel of the 32 selected candidates was ³ ~~formed~~ ^{formed} on the basis of the actual no. of vacancies. Later there was an urgent requirement to fill up 9 posts of Jn. Clerks in the same grade as that of shroff and a request was made by the office of the F A & C A O, Gorakhpur, vide its letter dated 21-3-1985 (Annexure A-2) to the Chairman, Railway

Service Commission, to recommend names from ^{the} their merit list prepared for the above mentioned recruitment to the post of Shroff. The Railway Service Commission recommended 9 names from this merit list in accordance with the order of merit. The applicants did not figure in this list of 9 candidates also. The contention of the applicants is that they were orally informed by the respondents that they were at Sl.No.3 and 5 respectively of the waiting list and hence their names ought to have been inclined in the recommendation for these 9 posts. The respondents have ^{denied} decided that any such ^{assurance} evidence was given to them and have categorically stated that they did not fall within the order of merit for recommendation for these 9 posts. The applicants have not produced any evidence in support of ^{their} this contention of ^{the} their except that they were verbally informed by the respondent no.1 that they were at Sl.Nos.3 and 5 respectively, of the waiting list.

3- The entire merit list of candidates who appear for a selection test is not published normally ^{in respect of} for any recruitment. Since there is no evidence on record to prove that the applicants had been illegally by-passed and persons lower in the merit list were recommended we are ^{concede} unable to ~~consider~~ the contention of the applicants merely on their statement that they had been verbally informed of their positions in the merit list as stated above. The respondents have also stated that the life of the panel has already expired. They have added that the records for the period have also been weeded out as being time expired. They have also raised a preliminary objection that as the recruitment was held in 1982-83 and the ^{have} U.As ~~has~~ been filed on 27-11-1992 they are

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barred by limitation. Even if we grant that the cause of action was alive till any appointment out of the waiting list *ibid* was made the O.As would *prima-facie* appear to be barred by limitation in the face of the record. The applicants have stated that they had been making representation as and when the respondents made appointment from the waiting list but no reply was received by them.

4- In view of the facts of the case while the O.As are barred by limitation and stand to be rejected on that ground we are ^s~~also~~ unable to grant the relief sought even on examination of the case on merits. The O.As are dismissed accordingly. No order as to costs.

Unk. Sr.
MEMBER (A)

Unk. Sr.
MEMBER (J)

DATED: Allahabad April 19th 1994.

(IS PS)
