

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Dated: Allahabad, this the 17th day of April, 2000

Coram: Hon'ble Mr. S. Dayal, Member (A.)

Hon'ble Mr. Rafiquddin, Member (J.)

Original Application No. 178 of 1992

Balwan Singh Yadav

S/O Sri Vijay Ram Yadav

R/O 160 Juggyana, Near Hunterchhap bidi Company,  
Jhansi U.P. 284002

... Applicant

Counsel for the applicant- Sri M.S. Mishra

Versus

1. Union of India, through the General Manager  
Central Railway, Bombay V.T.
2. The Chairman, Railway Service Commission.  
(Now known as Railway Recruitment Board)  
Bombay Central, Bombay.
3. The Divisional Railway Manager, Central  
Railway, Jhansi.

... Respondents

Counsel for the respondents- Sri A.V. Srivastava

ORDER

(By Hon'ble Mr. S. Dayal, Member (A.)

This application has been filed for a direction  
to the respondent to issue appointment order in favour  
of the applicant in consonance with the judgement of this  
tribunal in O.A. 316 of 1989 between Sri Rajesh Kumar,  
Shivhare and others versus Union of India and others  
dated 30.9.91.



2. The applicant has stated that he had applied for popular category No.25 against employment notice No. 2/80-81 and cleared the written test and first interview on 21.6.1981 and 10.7.1982 respectively. It is claimed that some other candidates whose cases were similar, filed O.A. No.316 of 1989 and the applications were allowed by a common judgement dated 30.9.1991. The respondent were directed to associate the candidates who had applied for non-technical category No.25 with the enquiry to be conducted by RSC and appointment order to be issued if no foul play was found on their part.

3. The arguments of Sri A.V. Srivastava for the respondent have been heard.

4. We find that besides the orders of the tribunal in O.A. 318 of 1989, 936 of 1987 and 1033 to 1045 of 1991 alongwith O.A. 981 and 982 of 1991, there were orders of the Bombay Bench also with regard to the same matter.

5. The respondents have mentioned that the applicant did not qualify in the examination held for final selection of popular category No.25 and, therefore, his case is not in parimateria with the case of others relied upon by him. The respondents have also mentioned that the application is barred by limitation and the jurisdiction of this court does not extend to the case of the applicant because the examination was conducted by Railway Recruitment Board, Bombay.

6. In view the fact that the applicant did not qualify for inclusion in the final panel as claimed by the respondent, he is not entitled to the relief sought for by him in this application.



7. The Learned Counsel for the respondents relied upon the order of the apex court in Civil Appeal No. 1821-31 of 1994 dated 29.9.94. The apex court put its seal of approval on the procedure adopted by a High Powered Committee which did not recommend any of the candidates who had claimed that they had been selected without resorting to any foul play. The Learned Counsel for the respondents also plead reliance on a common judgement of this tribunal in OAs 261 to 281 of 1992 dated 8.5.96 by which similar claims were rejected.

8. In view of the reasons given above, we do not find that the relief claimed by the applicant can be allowed. We dismiss the application as time barred not maintainable at Allahabad as well as lacking in merits. There shall be no order as to cost.

*D. B. Reddy* 

J.M.

A.M.

/T. Joshi/