

Open Court

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 22nd Day of May, 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.
Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 191 of 1992.

Malik Hafizuddin,
son of Sri Malik Bashiruddin,
R/O Railway Quarter No. 406,
Nawab Yusuf Road,
Traffic Colony,
Allahabad.

... Applicant.

Counsel for the Applicant: Sri K.S. Saxena, Adv.

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern
Railway, Allahabad.
3. The Senior Divisional Personnel Officer,
Northern Railway, D.R.M. Office, Allahabad.

... Respondents.

Counsel for the Respondents: Sri A.K. Gaur, Adv.

Order (Open Court)

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

This application has been filed under
Section 19 of the Central Administrative Tribunals
Act 1985 for declaring the applicant eligible

for the selection of Office Clerk and directing the respondents to call him for supplementary written test. The proceedings of the selection of Office Clerk under reference may not be treated as having been finalised without affording the opportunity to the applicant to appear in the selection proceedings.

2. The facts narrated by the applicant are that the D.R.M. Allahabad vide letter dated 27.2.91 invited applications of Class IV Employees working in the office along with certain other categories for filling up vacancies of Office Clerks. The applicant working as Storeman also applied. His substantive post was that of Khalasi and he claims to have been empanelled as Khalasi from 7.4.74. The applicant was not, however, called for written test held on 16.6.91 while some other colleagues working in Engineering Control Office with the applicant were called for the same. The applicant's representations were not answered hence this O.A.

3. The arguments of Sri K.S. Saxena for the applicant and Sri A.K. Gaur for the respondents have been heard. The pleadings on record have also been taken into account.

4. The short controversy in this case is whether the applicant was eligible to appear at the selection by means of written test held on 16.6.91 for the post of Office Clerk. The respondents in their counterreply have denied

eligibility on the ground that the applicant was working as Storeman since 7.8.80 on adhoc basis . It is contended that other co-employees mentioned by the applicant were panelled Storeman with three years of regular service and therefore they were called for the written test.

5. We find that the respondents have admitted as to the contention of the applicant in paragraph one of the O.A. as to the correctness of Annexure A-1 to the O.A. which contains the names of the employees who were called for the selection to Group 'C' from Group 'D'. The officials mentioned Serial No. 07, 20, 27, 37, 45, 50, 52, 60, 72, 76 84, 88, 91, 114, 117, 120, 121, 131, 140, 141, 151, 166, 186, 187, 188, 191, 202 and 207 were all either Officer/ Khalasis or Store Khalasis. We asked learned counsel for the respondents that in the light of this evidence how was the applicant considered in-eligible for appearing at selection. The learned counsel for the respondents states that the applicant was neither Store Khalais nor Office Khalais. We are unable to accept this contention of the learned counsel for the respondents. The applicant if not considered as Storeman was working in the Stores as a Khalasi on regular basis and empanelled Khalasi since 1974 and therefore he was eligible as Store Khalasi who are eligible for appearing in the said examination.

6. In the aforesaid circumstances the respondents are directed to hold a supplementary

-4-

examination for the applicant to consider his fitness for being selected to Group 'C' treating him as eligible employee of Group 'D'. The respondents shall carry out this order within three months from the date of furnishing a copy of this order. No order as to costs.

Rafiquddin
Member (J.)

[Signature]
Member (A.)

Nafees.