

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 14th day of February 2000.

Original Application no. 904 of 1992.

Hon'ble Mr. Rafiq Uddin, Judicial Member  
Hon'ble Mr. S. Biswas, Administrative Member

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Jagar Nath S/o Sri Doodh Nath,  
R/o Village Khetapur,  
Post Office Surapur, Distt. Faizabad,  
at present working as Mason Khalasi,  
N.R.I.O.W. Office, Jaunpur.

... Applicant

C/A Shri C.M. Yadav, Sri R.R. Yadav.

Versus

1. The Union of India, through The General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Superintendent,  
Northern Railway, Hazratganj,  
Lucknow.
3. The Divisional Engineer, Ist,  
Northern Railway, Hazratganj,  
Lucknow.
4. The Assistant Engineer,  
Northern Railway, Jaunpur,

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5. The Inspector of Works, Northern Railway,  
Jaunpur.

6. Sri Ram S/o Sri Shiv Ratan

7. Ram Kishun S/o Nihor

Both working as Mason Khalasi, N.R.I.O.S.  
Jaunpur.

... Respondents.

C/R Sri P. Mathur

ORDER

Hon'ble Mr. Rafiq Uddin, Member-J.

The applicant seeks the relief of promotion on the post of Mason on the basis of selection held on 03.02.92 and other consequential benefits.

2. The case of the applicant is that he was appointed as Gangman w.e.f. 12.07.72 in the office of P.W.I. Jaunpur (Respondent no. 5). The applicant was also confirmed as Khalasi w.e.f. 12.07.78. The applicant has claimed that his post of Mason Khalasi to this effect has been disputed by the respondents, and it has been stated that no post of Mason Khalasi exist. One of the vacancies to the post of Mason in the grade of Rs. 950/- was available under respondent no. 4 and the selection was notified in which 3 candidates including the applicant applied, who were required to appear before the selection board on 03.02.92. However, only one Shri Ram Kishun was declared successful in the

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said selection and was promoted on the post of Mason w.e.f. 04.02.92.

3. The applicant has alleged that in <sup>R</sup>~~this~~ <sup>the</sup> aforesaid selection the applicant alongwith respondents nos 6 and 7 were selected for the post of Mason, but the respondents have promoted only respondents nos 6 and 7 and the applicant was superseded treating him to be junior to respondents nos. 6 and 7.

4. The applicant ~~to claim~~ <sup>R</sup> <sup>and</sup> that he is senior to respondent nos. 6 and 7 ~~is illegal as~~ the respondents have discriminated him and he should have been given ~~xx~~ promotion on the post of Mason on the basis of selection.

5. The respondents have, however, contested the OA on the ground that the promotion for the post of Mason was made on the basis of selection and only respondent no. 7 was found suitable and promoted. The respondents having appeared in the selection process has no cause of action in case he was not found suitable for the post. The applicant has not alleged any malafide or arbitrariness in the selection process.

6. We have heard Sri P. Mathur counsel for the respondents and perused the records.

7. Counsel for the respondents has urged before us, <sup>that</sup> the seniority <sup>for promotion to</sup> ~~on~~ the post of Mason is not material because it is a selection post. The applicant duly

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participated in the selection and was not found suitable and he can not challenged the same. It is relevant to mention here that no RA has been filed on behalf of the applicant <sup>to</sup> ~~but~~ challenged the contention of the respondents that the post of the ~~M~~Mason is selection post. It is also evident from the letter dated 01.02.92 annexure 2 filed by the applicant that the applicant was called for selection for the post of Mason alongwith respondents nos 6 and 7. Therefore, there is a force in the contention of the learned counsel for the respondents that the post of Mason is a selection post and the applicant having participated in the selection process has no cause of action to challenge the same in the ~~absence~~ <sup>absence</sup> of any allegation of <sup>malafide</sup> ~~any material~~ on the part of the selection Committee.

8. <sup>refined that the</sup> In the result ~~the~~ OA is devoid of any merit and the same is dismissed. <sup>7</sup> ~~with~~ No cost.

S. O. Sin  
Member-A

Raf. Muddu  
Member-J

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