

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1246 of 1992

Allahabad this the 11th day of September, 2000

Hon'ble Mr.S.K.I. Naqvi, Judicial Member
Hon'ble Mr.M.P. Singh, Admn.Member

1. Nagendra Narain Puri, Son of Late Ram Ashish Puri, Quarter No.1090 A, Shashtri Colony, Mugalsarai, District Varanasi.
2. Gopal Sinha, Son of Late Ram Dayalu Sinha, resident of Quarter No.37-A, Railway Colony, Near G.R.P. Office, Gaya..

By Advocates Shri S.K. Dey
Shri S.K. Mishra

Versus

1. Union of India through the Chairman, Railway Board, Railway Bhawan, New Delhi.
2. General Manager, Eastern Railway, Calcutta.
3. Divisional Railway Manager, Eastern Railway Mugalsarai, District Varanasi.
4. K.N. Malhotra, Divisional Operating Superintendent, Eastern Railway, Mugalsarai, Varanasi.
5. S.R. Sinhya, Divisional Safety Officer, Eastern Railway, Mugalsarai, Varanasi.
6. Bashistha Sharma, Divisional Personal Officer, Eastern Railway, Mugalsarai, Varanasi.
7. R.C. Gop.
8. Indra Bhushan Singh

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9. Ramdin
10. Devendra Prasad
11. Tasauvar.
12. Ram Nath Gupta
13. Ratan Bhushan
14. Sagir Alam
15. Ram Jasan Pandey
16. Baiju Ram
17. Akil Ahmad.
18. Achal Kumar Misra.
19. Lokesh Kumar Jha.
20. S.N. Srivastava.
21. Ratneshwar Pandey.
22. Suman Chanda.
23. P.P. Yadav.
24. Ashok Kumar Chaubey.
25. Jitendra Kumar Singh.
26. Dhirendra Kumar Singh.
27. Ram Dhani Ram
28. Ram Jatan Singh.
29. Chandradhan Ram
30. Ramanuj Rai.
31. Ram Bachan Prasad.
32. Brahaspati Ram
33. Ram Prasad Gupta.
34. Jitwahan Ram.
35. S.S. Munda.
36. Bal Kishun Prasad.
37. Rama Shanker.
38. Ranji Paswan.
39. V.R. Tiwari.
40. Shiv Dharam
41. Mohammad Riazuddin Ansari.
42. Amanullah Khan.
43. Rajvansh Singh.

from serial no.7 to 43, all
C/o Senior Divisional Operating
Superintendent, Eastern Railway,
Mugalsarai, Varanasi.

By Advocate Shri A.V. Srivastava.

O R D E R (Oral)

By Hon'ble Mr.M.P. Singh, Member (A)

The applicant have filed this O.A.
under Section 19 of the Administrative Tribunals
Act, 1985 against the orders dated 10.7.1992 and
29.7.1992 passed by the respondents.

2. The case of the applicants as stated
by them is that the applicant no.1-Nagendra Narain

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Puri was working as Shunting Jamadar and the applicant no.2-Gopal Sinha was working as Senior Trains Clerk in the Eastern Railways. A written test for promotion to the post of Goods Guard was held on 01.2.1992 and on 04.4.1992. Both the applicants were declared successful and appeared in viva voce test held on 18.5.1992 and 26.5.1992. The result of the viva voce test was declared on 10.7.1992. The successful candidates in the viva voce test were sent for training vide order dated 29.7.1992. According to the applicants, the selection for the post in the scale of Rs.550-750 and above, will consist of Dy.Chief Personal Officer and two junior Administrative Officers and for all other selection post, Selection Board will consist of two Senior Scale Officers and one Assistant Personal Officer. Shri K.N. Malhotra and Sri S.R.Sinha are not Senior Scale Officers, but are Junior Scale Officers, therefore, they could not be made members of the Selection Board, and the selection made by such Board, is wholly illegal and liable to be set aside. The appointing authority of the Goods Guards is a General Manager and, therefore, he alone had the right, power and authority to approve the selection made by the Selection Board, but in this case he has not done that. This was done by the Divisional Railway Manager, Eastern Railway, who had no power, right and authority to do so, and, therefore, the entire selection is liable to be set aside on this ground also. It has been alleged by the applicants that the result of viva voce test should have been

declared immediately after competent authority granted approval. According to them, the delay in submission of the panel was caused because of mal-practice, by the aforesaid members of the Selection Board. Aggrieved by this, they have filed this O.A. to quash and set aside the order dated 10.7.1992, declaring the names of the selected candidates for the post of Goods Guard, and the order dated 29.7.1992 directing the said selected candidates to proceed for training. They have also sought directions to declare the applicants selected for the post of Goods Guard, on the basis of aforesaid selection and send them for training.

3. The respondents have contested the case and stated that during the entire selection process neither any mal-practice ^{if were} committed by the respondents no. 4 and 5 as alleged, nor any previous panel had been burnt or destroyed. As a matter of fact during the entire selection only one panel was prepared and duly approved by the competent authority. The ~~sentire~~ selection was conducted as per rules and the panel of those successful candidates who had actually qualified in the selection, was declared. The respondent no. 5 has filed an affidavit that he was working as Divisional Safety Officer i.e. senior scale officer and other two members of the said Selection Board were also senior scale officers. According to him, there was some delay in publishing the panel, but that was not on account of facts as

alleged by the applicant. It was because of the fact that they were pre-occupied in other administrative and urgent functions and work of their respective branches under their control. All the allegations made against them are false, baseless and incorrect. They have prayed that the O.A is, therefore, liable to be rejected on these grounds.

4. Heard, the learned counsel for the parties and perused the record.

5. The main ground taken by the applicant for their non-selection is that the Officers of the Selection Board, were not of requisite rank as required under the rules. The Officers who sat in the Board to make selection have given their affidavit, that they were, at the relevant time, working in senior time scale, as required under the rules. Learned counsel for the respondents has placed ^{before us} the original record of the selection held for the post of Goods Guard. We have perused the record and as per record both the applicants have not qualified in the selection and they could, therefore, not be sent for training. For the aforesaid reasons, the O.A. has no merit and is liable to be dismissed.

6. In the light of the above facts, the O.A. is devoid of merit, accordingly dismissed. There shall be no order as to costs.