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RESERVED JUDGEMENT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 28.4.93

Original Application No: 1635 of 1993

Vijai Kumar Applicant.

By Advocate Shri L.C.Yadav

Versus

Senior Divisional Mechanical
Engineer (C & W) Dhanbad & Ors.

.... Respondents.

By Advocate Shri

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C O R A M

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. T.L.Verma, Member-J

O R D E R

By Hon'ble Mr. T.L.Verma, Member-J

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The petitioner herein was engaged as Casual Labour in 1985. He was medically examined for being regularised on a Group 'D' post. He is stated to have been found medically fit and empanelled. It is stated that competent Authority accorded approval to the engagement of certain number of candidates as approved substitute/Casual labour in C & W department of Dhanbad Division. The engagement however, was subject to the verification of their certification regarding age, qualification, caste etc. vide Annexure-2.

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2. Of the 45 substitutes were posted in Chopen area out of which only 22 joined and 23 posts, are still vacant. The Additional Divisional Railway Manager, Eastern Railway, Chopen by his letter dated 22/24. 1981 (Annexure-3) informed the Divisional Operating Superintendent, Eastern Railway, Dhanbad that some of the workers of Chopen area, who are sons of Railway employees, were willing to work as substitute in Chopen area and recommended that it will be in the interest of administration if such willing persons were given opportunity by appointing them as substitutes. Accordingly, a request was made ~~to the~~ to take appropriate action for posting adequate number of persons as substitutes in Chopen area. The learned counsel for the applicant states that only 8 of the empanelled substitutes along with their applications were forwarded for consideration for posting in Chopen area vide letter dated 16.4.1991 (Annexure-1) to the M.A. No. 285/95. The grievance of the applicant is that although he belongs to Chopen area, his genuine claim has been ignored for no valid reason. Hence, this application for issuing a direction to the respondents to appoint the applicant against some post in the department.

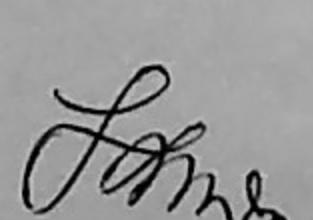
3. We have heard the learned counsel for the applicant and perused the record. The panel said

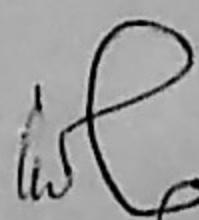
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to have been prepared has not been annexed. Even if it is assumed that a panel had been prepared and the applicant had been included therein, it will be of no avail to the applicant because inclusion of the name in the panel by itself does not confer any right to appointment. Empanelment of a Casual Labour for appointment amounts to that the candidate empanelled is qualified for recruitment. That by itself does not create any right in favour of the persons empanelled. The applicant, however, could have a legitimate grievance had persons junior to him in the panel been appointed/re-engaged in preference to him and exclusion of the applicant could have been challenged on the ground of infraction of the provisions of Article 14 & 16 of the Constitution, as being arbitrary and discriminatory. The learned counsel for the applicant in course of argument, admitted that persons below the applicant in the panel have not yet been appointed.

4. In view of the above, we find that no case for issuing a direction as prayed for has been made out. Hence, this application is dismissed at the admission stage itself.


Member-J


Member-A

/ jw/