

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 12th day of November 1994.

Original Application no. 1348 of 1994.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

Nathoo Ram Ojha, A/a 43 years, S/o Shri Ramji Lal Ojha
R/o 1249, Tube Well Road, Khafi Baba, Jhansi.

..... Applicant.

C/A Shri R.K. Nigam

Versus

1. Union of India through Secretary, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Central Railway, Bombay V.T.
3. Divisional Railway Manager, Central Railway, Jhansi.


..... Respondents.

C/R ---

ORDER

Hon'ble Mr. S. Dayal, Member-A

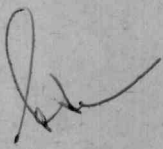
This application has been filed under section 19 of the Administrative Tribunal Act, 1985, with the request for relief for obtaining the direction commanding the respondents to publish the result of the panel for the post of Asstt. Mech. Foreman grade (Rs 2000 - 32000) from 23.02.93 and promote the applicant as Asstt. Mech. Foreman by means of time bound promotion and ~~order~~ interpolation^{of} his seniority with consequential



benefits, The applicant has also asked for an interim order by way of stay operation of the impugned panel dated 01.02.94 and promotion of the applicant as Asstt. Mech. Foreman with retrospectively effect.

2. The grounds on which the relief has been sought are that the respondents have acted in malafide manner because the petitioner is said to be duly qualified in written and viva-voce test for the selection ^{which} was over before 01.03.93; that the applicant has not been promoted while 23 others who did not pass the written and viva-voce examination have superseded him although they were on a subsequent panel of modified selection by virtue of the letter of the Headquarters dated 01.02.94.

3. It appears from annexures to the O.A. that it was decided on 07.10.92 to hold ^{selections for} the post of 39 Asstt. Mech. Foreman and 14 Asstt. Electrical Foreman. The written test was to be held on Sunday 08.11.92. and the Supplementary Written test on Saturday 21.11.92 and the employees who were qualified the written test were to be called for vica-voce test. The confidential reports of the staff for the last three years were to be kept ready for being sent when called for ^{and} Special pre-promotion coaching was to be imparted to the employees belonging to SC/ST communities before the written test. After the written test, Vica-Vice test was to be held on 17.02.93 and 18.02.93 with an attempt to finalised the selection before 01.03.93. By another letter dated 27.01.93, the Ministry of Railways asked General Manager to place Group 'C' and 'D' employees in higher grades on the basis of restructuring w.e.f. 01.03.93. The General Manager also informed that the

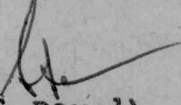


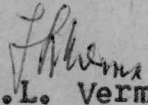
existing selection procedure would stand modified to the extent that the selection will be based only on scrutiny of service records and confidential reports without holding any written and Vica-Vice test. It was mentioned in the same order that the vacancies existing on 01.03.93 including the vacancies arising for restructuring were to be filled up on the basis of panel approved on or before 01.03.93 and current on that date and the remaining vacancies were to be filled up by modified selection procedure indicated vide letter of the Ministry of the Railways dated 27.01.93 mentioned above.

4. Although the counsel for the applicant asked for the relief as mentioned earlier, he was not in a position to satisfy us that there was an approved panel which was current on 01.03.93 in which the name of the applicant was included. The argument of the counsel that all the formalities for preparation of the panel were completed barring the approval of the panel and making it available for filling up the vacancies shows that the approved panel was not available.

5. Since, the counsel for the applicant could not be able to prove that the approved panel was existing on 01.03.93, and as such he was not entitled for any relief claimed in the application. The application is, therefore, dismissed ^{at the admission stage itself} before issue of notice to the respondents.

6. There shall be no order as to costs.


(S. Dayal)
Member-A


(T.L. Verma)
Member-J