

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1093 of 1994

Allahabad this the 11th day of September, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.M.P. Singh, Member (A)

Brij Kishore, aged about 33 years, Son of Shri Thakur Dass, resident of village and Post Bhagwant-pura, District Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.
2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri A.V. Srivastava

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant-Shri Brij Kishore has come up under Section 19 of the Administrative Tribunals Act, 1985, seeking relief to the effect that the respondents be directed to appoint the applicant in Group 'D' Class IV category on the basis of screening test/empanelment as per list issued by the respondent no.2 vide letter dated 26.11.1991.

2. As per applicant's case, he was engaged in the respondents establishment on 26.12.79 and

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worked in different units of Operating department and continued, as such, when he was put to final test of screening for permanent absorption and ultimately in the said test the petitioner qualified as per letter dated 26.11.91 and empanelled accordingly, but ^{he} it has not been given benefit of appointment on the basis of screening and empanelment and, therefore, he has come up before the Tribunal for redressal of his grievance.

3. The respondents have contested the case and filed the counter-reply mentioning therein that the applicant was initially engaged as casual labour and worked in different units from time to time on availability of work. He was granted temporary status in terms of Railway Board directive in this regard and was sent for medical examination where he was declared suitable. The respondents have clarified that the applicant was screened for regular appointment in Group 'D' post in November, December, 1991 in the Operating department of Jhansi division and he was placed at serial no.69 in the panel of 72 casual labours as published on 08.4.92. It has further been clarified that below the applicant, in the said screening test, there are 3 candidates, of which at serial no.70 and 72 are the candidates belonging to reserved S.C. community. The applicant at serial no.69 and the candidate at serial no.71 have not been engaged. It has been emphasised that no junior to the applicant has been given regular appointment.

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

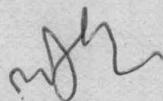
5. At the very outset, it is to be clarified that the applicant has erroneously mentioned the list dated 26.11.91 (annexure-3 to the O.A.) as panel because it is a list of those who are eligible for screening, ~~and~~ list of those who could get through the screening test, ^{the} dated 08.4.1992, consisting of only 72 casual labours. As mentioned above while ^{going} dealing with the case of the respondents, it is quite evident that as per screening list, there were only 3 candidates below the applicant of whom two were of S.C. category and the only candidate Subhash Chandra at serial no.71 was a general candidate, who as per respondents case, has not been given any regular appointment and, therefore, the contention of the applicant that juniors to him have been preferred as ~~g~~against him, stands demolished.

6. With the above position, there remains a ~~very~~ ^{he} little controversy, that the applicant claims his regular appointment on the basis of screening test and that is not denied by the respondents. But we find it difficult to accept, ^{the position} that right from 1995 till date, the applicant, who was at that time next, ^{in the list} to get regular appointment, could not get favour of the respondents, for which the respondents shall re-examine the position and take care that no junior to the applicant is given regular appointment ignoring

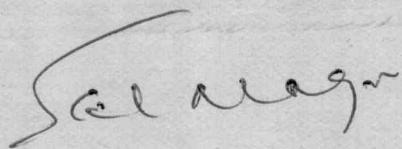
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the claim of Shri Brij Kishore-the applicant in this O.A.

7. With the above position in view, the respondents are directed to provide regular appointment to the applicant on the basis of screening list published on 08.4.1992 and to keep in view the observation made as above. The O.A. is disposed of accordingly. No order as to costs.



Member (A)



Member (J)

/M.M./