CENTRAL ADMINIST%RATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 20TH DAY OF NOVEMBER, 2003

Original Application No.1917 of 1994

CORAM:

HON.MR.JUSTICE S.R.SINGH,VICE CHAIRMAN

HON.MR.D.R.TIWARI,MEMBER(A)

1. Prem Sagar Mishra, son of
Shri Uma Shanker Mishra,
Resident of Kewalapur Nandpath,
District Pratapgarh.

2. Ramesh Chandra Pandey,
Son of Sri Sunder Lal Pandey
R/o 172-B Azad Square, South
Malaka, Allahabad.

3. Rajesh Kumar, son of Sri Jamuna
Prasad Srivastava, resident of
52-A Chaukhandi Kydganj,
Allahabad.

.. Applicants

(By Adv: Shri Satish Dwivedi)

Versus

1. Union of India through the
Chairman, Railway Board,
Rail Bhawan, new Delhi.

2. The General Manager,
Northern Railway, Baroda House
New Delhi

3. The Chairman, Railway
Recruitment Board, Allahabad.

.. Respondents

(By Adv: Shri Amit Sthalekar)

Along with OA No. 1217 of 1995

1. Ashok Kumar Verma, son of
Sri Lalau Prasad Verma, Resident
of Neta Nagar, Manajhanpur,
Allahabad.

2. Kamlesh Kumar Verma, son of
Sri Lalau Prasad Verma
R/o Neta Nagar, Manjhanpur
Allahabad.

.. Applicants

(By Adv: Shri Satish Dwivedi)

Versus

1. Union of India through the
Chairman, Railway Board,
Raill Bhawan, New Delhi.

2. The General Manager,
Northern Railway, Baroda House
New Delhi.

3. The Chairman,
Railway Recruitment Board,
Allahabad.

..

Respondents

.. Respondents

(BY Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE S.R.SINGH,V.C.

Impugned in these OAs is the select list dated 1.3.1994 prepared by the then Railway Service Commission, Allahabad for filling in 1465 posts of Assistant Station Masters, Guards 'C', Goods Clerk, Coaching Clerks, Signallars, Train Clerks, Office Clerks, Ticket Collectors etc pursuant to advertisement of employment dated 13.11.1979. The applicants herein, it is stated in paragraph 13 of the applications did not opt for Assistant Station Master rather they had applied for posts other than Asstt. Station Masters. The impugned select list is sought to be quashed basically on the ground that the candidates who qualified in the written examination were subjected to psychological test which was not prescribed in essential qualifications for appointment on the posts other than Asstt. Station Masters.

Shri A.K.Gaur learned counsel for the respondents, at the very out set, submitted that the impugned select list was the subject matter of challenge in OA No.619/94

'Harish Chandra Srivastava & ors Vs Union of India and Ors which came to be dismissed by a judgment and order dated 31.10.1995(Annexure R-1 to the reply statement) and, therefore, these OAs are liable to be dismissed on this gound alone. That apart, the learned counsel submits that the selected candidates have joined service long back and the OAs are bad for non-joinder of necessary parties.

Learned counsel for the applicants submit that the judgment relied on by Shri Gaur is of no avail in view of the fact that the finding on main question recorded by the Tribunal in that case was based on the premises that the applicants therein could not produce any document suggesting that the candidates who had not opted for the posts of Asstt. Station Masters were compelled to undergo the psychological test.

Having heard counsel for the parties, we are of the view that the OAs are liable to be dismissed on the grounds; firstly, that the impugned selection has already been upheld by the Tribunal in the OA referred to above and the judgment of the Tribunal in the earlier case cannot be ignored merely because the point sought to be raised herein was rejected by the Tribunal in the earlier case on the ground that the applicants therein had not produced the relevant documents to support their points; and secondly, the successful candidates who have already been appointed on the basis of the impugned selection and earned promotions have not been impleaded to the present OAs. The legal position is well settled that no adverse

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order can be passed affecting the interest ~~to~~ of a party which is not before Tribunal. 'Pramod Varma Vs State of U.P., A.I.R 1985 SC-167 is the authority on point.

In the circumstances, the OAs ~~is~~ are dismissed without any order as to costs.

Sd/
A M

Sd/
V C

Pronounced
by
03/12/03