

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1346 of 1995

Allahabad this the 06th day of February, 2002

Hon'ble Mr. Rafiquddin, Member (J)
Hon'ble Mr. C.S.Chadha, Member (A)

1. A.K. Tyagi, aged about 34 years, S/o S.L.Tyagi, R/o 94-A/3 T.K.D. Railway Colony, New Delhi.
2. Sukhbir Singh, aged about 34 years, S/o Shri Rajvir Singh, R/o 929 A, RB-III, Railway Colony, Jhansi.
3. S.K. Gupta, aged about 33 years, S/o Shri R.K. Gupta, R/o C/o Shri Sukhbir Singh, 929 A, RB-III, Railway Colony, Jhansi.

Applicants

By Advocate Shri Rakesh Verma

Versus

1. Union of India through the General Manager, Central Railway, Bombay V.T.
2. The Divisional Railway Manager(P), Central Railway Jhansi.
3. Shri M.M.L.Kasgar, aged about 35years, father's name not known, Working as Chargeman 'A' Electric Loco Shed, Jhansi.
4. Shri B.K. Bhardwaj, aged about 30 years, father's name not known, working as Chargeman 'A' in Trip Shed, Central Railway, New Delhi.

Respondents no.3 and 4 are working under the control of the Divisional Railway Manager, Central Railway Jhansi and as such notices may be served upon them through him.

By Advocate Shri A. Sthalekar
Shri G. Saran

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O R D E R (Oral)

By Mr.Rafiquddin, Member (J)

By means of this O.A. the applicants who are 3 in number have challenged the selection process for promotion to the post of Traction Foreman(TRS), Jhansi and sought quashing of the panel dated 07.07.95(annexure A-I) and panel dated 11.09.95(annexure A-II). It appears from the record that the candidates who were working as Chargeman 'A'Grade in the scale of Rs.1600-2660 were called for the written test for their promotion to the post of Traction Foreman(TRS) by the respondents.

The applicants ~~were~~ also appeared in the written test and were declared successful. The applicants thereafter also appeared in the interview on 04.09.95 and in the result published by the respondent no.2 on 11.09.95 only 8 persons including the respondents no.3 and 4 were selected and the names of the applicants were not found place in the panel prepared by the respondent no.2.

2. The applicants have challenged the selection process mainly on the ground that only 8 persons belonging to general category have been selected against the 3 vacant posts, available to the candidates of general category. It is also claimed that only 3 persons have been promoted on the basis of the panel in question and even the respondents no.2 and 5 are still awaiting their posting orders. Only 9 candidates should have been called for selection, but the respondents shown number of vacant post as

8 and called 18 persons just to accommodate respondents no.3 and 4 who had even not completed 2 years service as Chargeman 'A' in regular capacity on the date of selection i.e. 07.07.95. Therefore, the entire selection is null and void, and illegal.

3. We have heard the learned counsel for the parties and perused the record.

4. It has been argued by the learned counsel for the respondents that since the applicants had participated in the selection process, they have no right to challenge the selection. It is further stated that the selection in question was for ten vacancies, but since there were only 21 eligible candidates available, all of them were called to appear in the selection and the panel in question was prepared.

5. We find force in the arguments of learned counsel for the respondents that the applicants having participated in the selection process without protest they cannot now challenge the process of selection, therefore, the O.A. is liable to be dismissed on this ground alone.

6. It is further argued by the learned counsel for the respondents that the selection was held for 10 vacancies including anticipated unforeseen vacancies which is 20% of the vacancies. Thus, the respondents have clarified the position of the vacancies available

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on the date of selection, which is 10. It is also not disputed that all the eligible candidates were called for the selection, therefore, we do not find any illegality or irregularity in the selection process.

7. For the reasons stated above, we are satisfied that the O.A. has no merit, as such, it stands dismissed without any order as to costs.

Colanera

Member (A)

/M.M./

Rajendra

Member (J)