

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1380 of 1995

Allahabad this the 21st day of May, 2002

Hon'ble Mr.C.S. Chadha, Member (A)
Hon'ble Mrs.Meera Chhibber, Member (J)

Rajendra Babu Yadav, S/o Prabhu Dayal Yadav, Working
as Junior Clerk in the Office of CWM, Central Rly.
Jhansi.

Applicant

By Advocate Shri V.K. Barman
(Absent on 21.05.2002)

Versus

1. Union of India through General Manager, Central Rly., Bombay VT.
2. Chief Workshop Manager, Central Rly., Jhansi.
3. Jai Kumar Karunakaran, Store Keeper.
4. Martin Kumar Dayal, Sr.Clerk.
5. Ram Kewal, Sr.Clerk
6. Hari Narain, Sr.Clerk.
7. Sandeep Sahu, Sr.Clerk.
8. Devendra Kumar, Sr.Clerk.
9. Ravi KumarSoni, Sr.Clerk.
10. Ganga Prasad, Sr.Clerk.
11. Om Prakash , Sr.Clerk.

Working under CWM, C.Rly., Jhansi

By Advocate Shri G.P. Agarwal

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O R D E R (Oral)

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A. the applicant has sought quashing^h of the order dated 11.10.1995 and a declaration that the result on 10.11.95 is contrary to the specific directions of the Railway Board. He has further sought a direction to the respondents to hold the next selection after expiry of 6 months from 10.10.95 in which the applicant may be called for participation.

2. The applicant case in nut-shell is that the selection for the post of Senior Clerk in the pay scale of Rs.1200-2040 was held on 21.08.95 in which 28 persons were called including the applicant, but in the result declared on 10.10.95 though two persons were absentees, and out of 26 persons, 23 passed and 3 failed. The applicant has admittedly averred in the O.A. that he had failed. The grievance of the applicant is that immediately thereafter the respondents hold a fresh test on 11.10.95 including 10 persons and those two persons who were earlier absentees in the earlier test, out of which 9 passed and 1 was absentee. His case is that the next selection could not have ~~been~~^{be} taken place before the expiry of 6 months and in the next selection, he also ought to have been re-considered and since that has not been done, he alleges that selection is bad in law, arbitrary and is liable to be quashed.

3. The respondents in their reply have clarified the position that the second test was in continuation

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of the test held on 21.08.95 and this was required - to be held to meet the demand of the department and also to test those persons who had earlier absent^{ed} in the test held on 21.08.95. In support of their averments, they have annexed the Railway Board's letter Serial No. NR 5715, wherein it was clarified that if sufficient number of suitable candidates are not available according to the assessed number of vacancies while conducting a suitability test/trade test, further candidates (excluding failed candidates) to meet the short are required to be called in continuation test(s) in such way that the original test and the continuation test(s) are all completed within a period of six months. Therefore, the respondents have submitted that since the available number of selected candidates was not sufficient, they have carried out the next test in continuation of the earlier test within 2 months to test the suitability of the other candidates as well as the absentees in the test held on 21.08.95, which is in accordance with the rules as annexed by the respondents with their reply. *we find no illegality in the stand taken by respondents.*

4. It goes without saying that a person has only right of consideration and admittedly the applicant was indeed considered and had failed, therefore, he cannot have any valid grievance and no case is made out for interference by the Tribunal.

5. In view of the above discussion, the O.A. is without merit, and the same is rejected. No order as to costs.

[Signature]
Member (J)

[Signature]
Member (A)