

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 23<sup>rd</sup> DAY OF JANUARY, 1996

Original Application No. 636 of 1995

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. D.S. BAWEJA, MEMBER(A)

Yaqoob Ahmed Mansoori, s/o Sri Fazal  
Ahmad Mansoori, aged about 31 years, r/o  
119, Itwariganj, Jhansi

.... Applicant

BY ADVOCATE SHRI K.K. DUBEY

Versus

1. Union of India through its Secretary  
Railway Board, Rail Bhawan, New Delhi
2. General Manager, Central Railway  
Bombay V.T.
3. Divisional Railway Manager  
Central Railway, Jhansi
4. Shri Yogendra Sharma, D.C/Sr.D.C.S  
Central Railway, Jhansi

.... Respondents

O R D E R (Reserved)

JUSTICE B.C. SAKSENA, V.C.

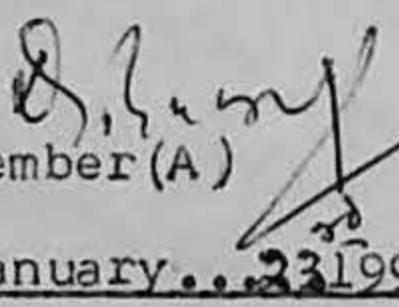
This OA came up for orders as regards admission. We have heard the learned counsel for the parties and the orders were reserved. Through this OA the applicant seeks a direction to the respondents to appoint the applicant on the post of class III or class IV against the cultural quota reserved for distinguished scouts and guides. The applicant's case is that the Railway Board had issued various orders providing for recruitment of two persons per division in group D category post who possessed the scouting qualification mentioned in the said order. The first Railway Board's letter is dated 14.9.84 followed by another letter dated 14.2.85 and last one dated 21.3.87.

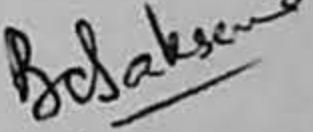
The applicant's case is that he applied for group 'C' and running 'D' in every session 1987-88, 88-89, 89-90. His name was placed in the eligibility list and wide letter dated 11.9.89. It has been indicated that the name of the applicant has been recommended for appointment for the post of group 'C' to the H.Qrs Bombay V.T. on 17.5.89. The persons placed in the eligibility list except the applicant all others ~~were~~ who applied for the recruitment in the scout quota are wards of some railway staff. His case is that though the Railway Board's letters were unambiguous still to defeat ~~the~~ his candidature clarification was sought whether preference have to be given to wards of the railway staff. He alleges that he was subjected to an interview and a chart was prepared of the eligible candidates which is Annexure A-1 and two persons Subhash Abhayangar s/o railway driver whose name occurred below the applicant in the chart was given appointment. One Sunil Kumar Sharma was also appointed whose name was indicated in the said chart. Sri Sunil Kumar Sharma on the basis of his educational qualification and scout quota was given 36 marks. The applicant scored 35 marks and Subhash Abhayangar also scored 35 marks. As far as Sunil Kumar Sharma is concerned, since he scored higher marks than the applicant his appointment cannot be validly questioned. As far as Subhash Abhayangar's appointment is concerned, he appears to have been appointed for the reason that he was a ward of a railway servant. The applicant has not impleaded Subhash Abhayangar as a respondent neither has impugned the order for appointment of Subhash Abhayangar. The applicant's candidature had been considered and since two persons were only to be appointed, the aforesaid two candidates were appointed. The applicant

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has sought a writ of mandamus to be issued to the respondents to consider the applicant in group C and D and give him consequential benefit that is to say appointment.

2. In the petition it has not been averred that subsequent to the year 1989 any selection was held to fill up the said x scouts quota or that the applicant had applied for purposes of his appointment. The applicant has indicated that he made several representations and lastly a representation dated 2.8.94 copy of which is Annexure 21. The applicant's representation dated 23.6.93 was rejected vide an order dated 1.3.94 Annexure 20 and it was indicated that the applicant's candidature cannot be considered since according to the extant rules the wards of the Railway servants fulfilling the scouting qualifications is required to be made. The applicant's representations were in respect of rejection of his candidature at the selection for the year 1988-89. The petition besides being highly belated lacks merit and accordingly dismissed summarily.

  
Member (A)

  
Vice Chairman

Dated: January 23 1996

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