

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 19th day of February 2002

Original Application no. 928 of 1995.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Maj Gen K.K. Srivastava, Member (A)

1. Balram, S/o Sri Babu Lal,
R/o C/o Sri R.N. PANDEY,
Near Jhanda Bhawan, Pratappura,
Nagra, Jhansi.
2. Zahur Bux, S/o late Sri Ilahi Bux,
R/o House No. 151, Teliani Bagaria,
Sagar Khidki, Jhansi.

... Applicants.

By Adv : Sri R. Verma

V E R S U S

1. Union of India the General Manager,
Central Railway, Bombay V.T.
2. The Divisional Railway Manager (P),
Central Railway, Jhansi.

... Respondents

By Adv : Sri G.P. Agarwal.

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 21.6.1995 (Ann 1) by which the applications were invited for appointment in A.C. Loco Shed, Central Railway, Jhansi, as Skilled Fitter Grade III in the pay

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scale of Rs. 950-1500. By the said letter candidates were invited from other departments. The order also provided that artisans serving in any department in the pay scale of Rs. 950-1500 in Category 'A', & category 'B', MRCL artisan with academic qualifications High School and ITI in Electronic and Mechanical trades are eligible. The last category was of class IV employees permanent /MRCL, who were High School passed with ITI in certificate of Mechanical and Electrical trades. In para 3 of this order it is provided that if the employees from other departments became available for all the posts from artisan grade mentioned in sub para (Ka) of para 2, the others will not be considered. The applicants are aggrieved by this provision under which benefit is given to a particular grade namely artisans already serving in the pay scale of Rs. 950-1500. Learned counsel for the applicant has submitted that the provision is discriminatory and violative of article 14 of the constitution. All persons who are eligible for applying for appointment, should have been considered.

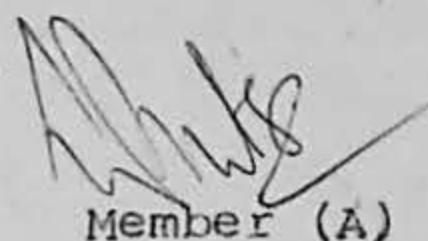
2. We have carefully considered the submissions of learned counsel for the parties. However, we do not find any kind of arbitrariness and discrimination in the provision. It was an open invitation to all the employees serving in other department. The discretion always vests in the employer to choose and select best hands for the job. In the impugned order various alternatives were provided to fill up the vacancies. However, it was made clear that if artisans already serving in the same grade of Rs. 950-1500 in other departments, became available for all the posts, then persons

.....3/-

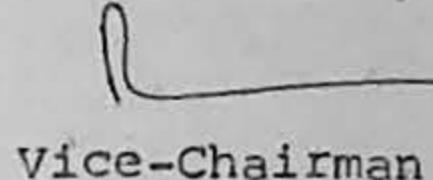
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belonging to other categories will not be considered. There is no question of discrimination in providing such provision. The applicants are not entitled for any relief. The OA has no merit and the same is dismissed accordingly.

3. There shall be no order as to costs.



Member (A)



Vice-Chairman

/pc/