

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 743 of 1999

Allahabad this the 30th day of August, 1999

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. Rafiq Uddin, Member (J)

Sunil Kumar Saxena, son of Shri Jagdamba Prasad
Saxena, resident of Kayanganj, District Farukhabad.

Applicant.

By Advocate Shri Shekhar Srivastava

Versus

1. Union of India through its Secretary, Ministry of Railway, Government of India, New Delhi.
2. Divisional Railway Manager, Northern Railway Allahabad Division, Allahabad.
3. General Manager, Northern Railway, Head Quarter Office, Baroda House, New Delhi.
4. Senior Divisional Electrical Engineer, Northern Railway, Allahabad Division, Fazal Ganj, Kanpur. Nagar.

Respondents

By Advocate -- -----

Q U E S T I O N (Oral)

By Hon'ble Mr. S. Dayal, Member (A)

The applicant has filed this case seeking direction to the respondents that the applicant appointment may be considered in accordance with his qualification and experience and preference may be given to him for the appointment over the direct recruits in accordance with the list prepared by the department.

2. The applicant, a diploma holder in Electric Engineering, had obtained apprenticeship training in the railway department from 29.1.1991 to 28.1.1992. The applicant claims appointment on priority basis but it is applicant's own averment that a written test conducted by the railway department in the year 1997-98 and the result was declared but the respondents did not consider the applicant for appointment arbitrarily and illegally. Since result was declared and the applicant did not find ^{his} name ~~in it~~ ^{place}, the only conclusion is that the applicant did not succeed in the written examination. Therefore, he does not have any case for appointment on preferential basis because the law is that ^{if} all other things ^{are} equal, the apprentice shall be given preference. Since in the written examination, itself, he had not qualified, the things are not equal, and the case is therefore, dismissed in limine.

Rafiquddin
Judicial Member

Abdul
Admn. Member