

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Orginal Application No. 1506 of 2000.

Allahabad this the 5th day of March, 2002.

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member- A.
Hon'ble Mr. A.K. Bhatnagar, Member- J.

1. Sujeet Kumar Singh a/a 31 years
s/o Sri Janardan Prasad. R/o Quarter No. 7144,
Diesel Locomotive Works, Varanasi, presently posted as
Pharmacist, D.L.W Hospital, Varanasi.
2. Anand Kumar Mishra a/a 27 years
s/o Sri B.N. Mishra. R/o Vill. Pissaur (Sheopur),
Varanasi, presently posted as Pharmacist, D.L.W
Hospital, Varanasi.
3. Pramod Kumar a/a 24 years, s/o Sri R.C. Prasad
R/o Vill. Karaundhi, P.O. Suswanhi, presently posted
as Radiographer D.L.W Hospital, Varanasi.

.....Applicants

Counsel for the applicants :- Sri Sudhir Agarwal

V E R S U S

1. Union of India through the General Manager, DLW, Varanasi.
2. Railway Board, Rail Bhawan, New Delhi through its
Chairman/ Secretary.
3. The General Manager, Diesel Locomotive Works, Varanasi.
4. General Manager (P)/Dy. Chief Personnel Officer (G),
D.L.W, Varanasi.
5. The Railway Recruitment Board, Allahabad situated
at New annexie Building, DRM Building Complex,
Nawab Yusuf Road, Allahabad.
6. Sheo Narain Prasad a/a 33 years, S/o Late R.P. Pandit
R/o C/o Sri Jitu Lal Pandit at Chitrakut Nagar,
Danapur, P.O. Digha, Patna.

Counsel for the respondents :- Sri Amit Sthalekar
Sri K.K. Mishra

Re: B.A. 1506/2000

O R D E R (oral)

(By Hon'ble Mr. C.S. Chadha, Member- A.)

The case of the applicants is that they were appointed as substitutes on the posts of Pharmacist Gr-III and Radiographer vide appointment order dated 12.01.1999. They were also awarded temporary status w.e.f 13.05.1999 vide office order dated 28.10.1999. It is claimed by the applicants that in terms of para-5 of the Master Circular of the Railway Board No. 20/91 dated 29.01.1991, they should have been screened for regular appointment without advertising these posts and as such the procedure adopted by the railways in advertising these posts is violative of the instructions ~~made~~ ^{laid down} in the above circular and, therefore, be struck off down.

2. In reply to this, learned counsel for the respondents has drawn our attention to para- 3 of the appointment letter dated 24.12.1998 (annexure CA-3) in which it has been clearly laid-down that the appointment is only till the duly selected candidates are available to the Railway Recruitment Board (RRB), Allahabad. Learned counsel for the respondents has further stated that this was done because of the delay by the R.R.B to fill-up the vacancies in terms of the ^{earlier} ~~kind~~ appointments ^{on} ~~for~~ ^{15.01.1998} (annexure CA-1) and 26.02.1998 (annexure CA-2). It has, therefore, been claimed that the process of selection had been initiated but due to the delay in selection process, the respondents were forced to make substitute appointments only for ~~the~~ certain period and it has been clearly mentioned in the appointment order that the appointment is until the ~~regular~~ selected candidates are available; the applicants do not get a right on the said post without going

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through the process of selection.

3. Learned counsel for the applicant who drew our attention to para-5 of the Master Circular No. 20/91, has not been able to convince us that the normal process which had already been started, should be kept in abeyance and only substitute candidates should be given preference for such appointments. It is true that the Master Circular laid-down that such appointees may be screened by the screening committee rather than the Selection Board. However, para-5 does not bar the railway authorities to go through with a regular selection process. Since the advertisement by the R.R.B for the said posts were issued long after the temporary appointments, as substitutes, of the applicants, they should have ~~been~~ also applied for the said post which they did not.

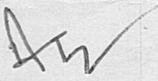
4. Learned counsel for the respondents has also drawn our attention to the rulings of the Hon'ble Supreme Court in Commissioner, Assam State Housing Vs. Purna Chandra Bora and another (1998) 6 Supreme Court Cases 619 decided on 23.04.1998 which laid-down that " respondent appointed on temporary basis till regular appointments were to be made ~~will~~ cannot challenge the process of selection". In this case, it is clear that the applicants have been appointed only till regular selected candidates were available and in the normal ~~course~~ since such candidates were available, the services of the applicants would have had to be dispensed with. There would be no illegality in this procedure because this was made clear in the appointment letter itself.

5. In view of the above discussion and ~~existing~~ the rulings of the Apex Court mentioned above, we find

S. G. Banerjee

that the O.A is without substantial merit and is, therefore, dismissed.

6. There will be no order as to costs.


Member- J.


Member- A.

/Anand/