

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd day of September, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 439 of 2002

1. Virendrapal Singh, son of Sri Amar Singh, presently posted as Courier, in the office of Divisional Commercial Manager, N.E. Railway Izatnagar.
2. Mohd. Adil Khan, a/a 39 years, son of Sri M.A.Z. Khan, presently posted as Markaman, S.S. Office, N.E. Railway Lalkuan.
3. Ram Singh, a/a 42 years, son of Sri Shiv Sahai, posted as Coach Attendant Ist Class, N.E. Railway, Bareilly.
4. Ram Prakash Yadav, a/a 43 years, son of Sri Lajja Ram, presently posted as Coach Attendant, Ist Class, N.E. Railway, Bareilly.
5. Het Singh, a/a 37 years, son of Shri Ram, presently posted as Coach Attendant, Ist Class, N.E. Railway, Bareilly City.
6. Fazil Beg, a/a 34 years, son of Sri Sadique Beg, presently posted as Coach Attendant Ist Class, N.E. Railway, Bareilly City.
7. Lal Babu Prasad, a/a 42 years son of Sri Dukhi Ram, posted as Coach Attendant, Ist Class, N.E. Railway, Bareilly City.
8. Smt. Shivdhara, a/a 28 years, W/O Late Mool Chandra, posted as Waiting Room Baira, N.E. Railway Izatnagar.
9. Brijesh Kumar Sagar, a/a 25 years, son of Sri Ramesh Prasad posted as Hammal, N.E. Railway Shahmatganj, Izatnagar.
10. Dev Dutt, a/a 50 years son of Sri Yad Ram, posted as Courier, Office of D.R.M. Commercial, N.E. Railway, Izatnagar.
11. Gaya Prasad, a/a 45 years, s/o Sri Het Ram, posted as Hammal, N.E. Railway, Hathras City.

(Signature)

12. Yad Ram, a/a 45 years, s/o Sri Machhal Singh, posted as Hammal Jamadar, N.E. Railway, Kasganj.

13. Jagdish Singh Rana, a/a 35 years, son of Sri Prayag Singh Rana, posted Hammal, N.E. Railway, Haldwani.

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.....Applicants.

Counsel for applicants : Sri S.K. Mishra.

Versus

1. Union of India through the General Manager, N.E. Railway, Gorakhpur.

2. Divisional Railway Manager, N.E. Railway, Izatnagar.

3. Additional Divisional Railway Manager, N.E. Railway, Izatnagar.

4. The Divisional Railway Manager (Kannik), N.E. Railway, Izatnagar.....

.....Respondents.

Counsel for respondents : Sri K.P. Singh.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri S.K. Mishra, learned counsel for the applicant, Sri K.P. Singh, learned counsel for respondents and perused the pleadings.

2. By order impugned herein, the written and oral examination for selection of candidates from amongst Class IV employees for appointment to Class III post under 33% quota has been cancelled on administrative ground. Sri S.K. Mishra, counsel for the applicant submits that the Divisional Railway Manager (Personnel), Izatnagar was not competent to cancel the written and oral examination.

Learned counsel has placed reliance on para 219(k) of the Indian Railway Establishment Manual. In our opinion, para 219(k) of the I.R.E.M. is not attracted to the facts of the present case. In that case the plea is that the list of selected candidate is put up ^{before} ~~to~~ the competent authority for approval and if the competent authority does not accept the recommendations of the Selection Board then it is required to refer the matter to the General Manager. In

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the instant case, the list was not prepared and the authority, which conducted the examination and oral test itself cancelled written examination/oral test. It is well settled that even selected candidates do not have any indefeasible right to be appointed on the post what to say of candidates who simply appeared in the examination. The decisions relied on by Sri S.K. Mishra have no application as these were the cases of cancellation of select list. It is then submitted by Sri Mishra that the order does not contain any valid reason. In our opinion, the order of cancellation has been passed on administrative ground and ^{by} ~~of~~ warrants no interference/the Tribunal.

3. In view of the above discussion, the O.A. has no merit and dismissed.

No order as to costs.

Dhain
A.M.

Par 9
V.C.

Asthana/