

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD**

**ORIGINAL APPLICATION NO. 1155 OF 2003**

THIS THE 25<sup>th</sup> DAY OF AUGUST, 2005.

**HON'BLE MR. M.K. MISRA, MEMBER (A)**  
**HON'BLE MR. K.B.S. RAJAN, MEMBER(J)**

Om Prakash Singh, S/o Sri Udai Pratap Singh, R/o  
83/2-A Chhota Baghara, Allahabad, now posted as  
Enquiry cum Reservation Clerk at Ballia.

By Advocate : Sri A.K. Shukla.

... Applicant

Versus.

1. Union of India through the General Manager,  
N.E.R., Gorakhpur.
2. General Manager, (P), N.E.R., Gorakhpur.
3. Senior Deputy General Manager, N.E.R.,  
Gorakhpur.
4. Afzal Ahmad Khan, previously posted as  
Asstt. Station Master at Orewara Station  
under Lucknow Division, now posted at Law  
Asstt, in commercial Department at Ijjat  
Nagar Division, N.E.R., Gorakhpur.
5. Ram Badan Prasad previously posted as  
Station Master at Noutanwa Sation under  
Lucknow Division, now posted as Law  
Assistant in Commercial Department at East  
Central Railway Hazipur zone.

Respondents

By Advocate : Sri K.P. Singh.

**ORDER**

**BY K.B.S. RANJAN, MEMBER-J**

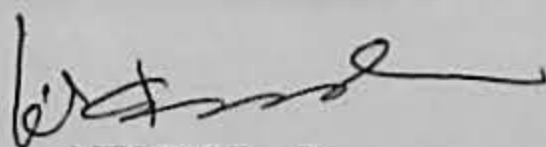
The short question involved in this case is whether the applicant, who has come in the second position in the merit list (amongst the general candidate) could be left out for promotion to the post of Law Assistant, when the respondents have effected appointment to the candidate first in the merit list and third in the list, the third being a reserved candidate. The contention of the applicant

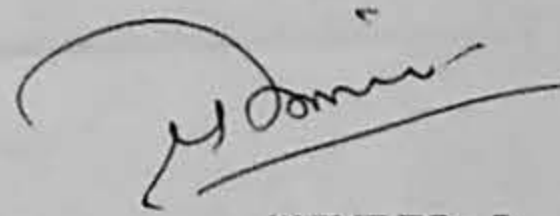
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opportunity, the post was filled up by appointing the selected S.C. candidate, who was as such, empanelled as No. 3 in the panel. Though this panel is one, it is to be treated as a composite panel, containing the names of General Candidates on the one hand and S.C. on the other. Thus, when bifurcated, of the selected candidates, two were for the General category and one for S.C. Thus, the applicant cannot claim that the respondents have appointed a person with a lower merit than the applicant. The S.C. candidate stands in an entirely different footing and of the two general candidate, the one appointed is more meritorious than the applicant.

8. In view of the above, there is no illegality in the appointment of one general candidate and one S.C. Candidate and the non appointment of the applicant was on account of there being no posts/vacancies in the restructured Zone. The application thus, fails and is accordingly dismissed.

No orders as to costs.

  
MEMBER-J

  
MEMBER-A

GIRISH/-