

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 190/92
T.A.NO.

DATE OF DECISION 17.8.98

Maheshchandra C.Gajjar & Anr. **Petitioner**

Mr.D.M.Thakkar **Advocate for the Petitioner [s]**
Versus

Union of India & Ors. **Respondent**

Mr.N.S.Shevde **Advocate for the Respondent [s]**

CORAM

The Hon'ble Mr. V.Radhakrishnan : Member(A)

The Hon'ble Mr. P.C.Kannan : Member(J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

1. Maheshchandra C.Gajjar
2. Dineshchandra C.Khatana
17, Hastinapur society,
Nr.Chandkheda Rly.Station
Post Digvijaynagar,
Ahmedabad.

.... Applicants.

(Advocate: Mr.D.M.Thakkar)

VERSUS

1. The General Manager,
Western Railway Manager,
Churchgate, BOMBAY.

2. Divl.Rly.Manager (E)
Western Railway,
Rajkot Divn.RAJKOT

.... Respondents.

(Advocate: Mr.N.S.Shevde)

O R A L O R D E R

Date: 17.8.1998.

OA/190/92

Per: Hon'ble Shri V.Radhakrishnan : Member (A)

Neither the applicant, nor counsel for the
applicant is present. Dismissed for default.

No order as to costs.

P.C.Kannan

(P.C.Kannan)
Member (J)

V.Radhakrishnan

(V.Radhakrishnan)
Member (A)

npm

M.A.665/98 in O.A.190/92

O R D E R

DATE

Office Report

16-10-98

M.A.665/98

Heard.

In the circumstances stated, M.A. is allowed.

O.A. is restored to file.

M.A. stands disposed of.

O.A.190/92

Adjourned to Call on 23.11.98.

(V.RADHAKRISHNAN)
MEMBER (A)

*SSN

Mr.Thakkar files leave note today,
adjourned to 13.1.99.

DR
(P.C.Kannan)
Member (J)

DR
(V.Radhakrishnan)
Member (A)

nkk

Leave note filed by Mr.Thakkar.

13-1-99

Adjourned to 23-2-99.

DR
(P.C.KANNAN)
MEMBER (J)

DR
(V.RADHAKRISHNAN)
MEMBER (A)

"SSN

Place it before the Division Bench on 9.4.99.

(as P.C.G)
(T) 2000-11

DR
(P.C.Kannan)
Member (J)

nkk

DATE

Office Report

ORDER

9.4.99

Mr.Trivedi counsel for the applicant and
Mr.Shevde for the respondents are present.
Part heard. Adjourned to 6.5.99.

On
(P.C.Kannan)
Member (J)

VR
(V.Radhakrishnan)
Member (A)

06.05.99

Time being over, adjourned to 11.06.99.

On
(P.C. Kannan)
Member (J)

VR
(V. Radhakrishnan)
Member (A)

mb

11.6.99

Leave note filed by Mr.Shevde. Adjourned
to 5.7.99.

VR
(V.Radhakrishnan)
Member (A)

nkk

5.7.99

At the request of Mr.Shevde, adjourned to
23.7.99.

On
(P.C.Kannan)
Member (J)

VR
(V.Radhakrishnan)
Member (A)

nkk

23.7.99

This is a part heard matter and Bench is
not available, adjourned to 6.8.99.

AS
(A.S.Sanghavi)
Member (J)

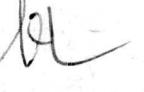
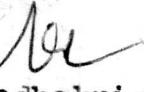
6.8.99

Time being over, adjourned to 16.8.99.

On
(P.C.Kannan)
Member (J)

VR
(V.Radhakrishnan)
Member (A)

nkk

तारीख DATE	कार्यालय टिप्पणी OFFICE REPORT	आदेश ORDER
16.8.99		Mr. Trivedi is not present. At the request of Mr. Shevde, adjourned to 20.8.99.  (P.C. Kannan) Member (J)
20.8.99		 (V. Radhakrishnan) Member (A) nkk At the joint request of both the learned advocates, adjourned to 17.9.99  (P.C. Kannan) Member (J)
17.9.99		 (V. Radhakrishnan) Member (A) nkk At the request of Mr. Trivedi and Mr. N.S. Shevde, adjourned to 28.9.99.  (P.C. Kannan) Member (J)
28.9.99		 (V. Radhakrishnan) Member (A) Pt Mr. Trivedi is not present. Adjourned to 1.10.99.  (P.C. Kannan) Member (J)

तिथि DATE	कार्यालय टिप्पणी OFFICE REPORT	आदेश ORDER
01.10.99	At the joint request of Mr. Trivedi and Mr. Shevde, adjourned to 15.10.99.	<i>Dr</i> (P.C. Kannan) Member (J) <i>VL</i> (V. Radhakrishnan) Member (A)
15.10.99	Mr. Trivedi and Mr. Shevde are present. At the request of Mr. Trivedi, adjourned to 28.10.99.	<i>Dr</i> (P.C. Kannan) Member (J) <i>VL</i> (V. Radhakrishnan) Member (A)
28.10.99	Mr. Trivedi and Mr. Shevde are present. At the request of Mr. Trivedi, adjourned to 18.11.99.	<i>Dr</i> (P.C. Kannan) Member (J) <i>VL</i> (V. Radhakrishnan) Member (A)
18.11.99	Being a Division Bench matter, adjourned to 2.12.99.	<i>Dr</i> (V. Radhakrishnan) Member (A) <i>VL</i>
	nkk	

DATE	कार्यालय टिप्पणी OFFICE REPORT	आदेश ORDER
2.12.99		<p>At the request of Mr. Shevde, adjourned to 2.3.12.99.</p> <p><i>Pkn</i> <i>Ar</i></p> <p>(P.C. Kannan) (V. Radhakrishnan) Member (J) Member (A)</p>
3.12.99	As per business adjourned on 4.1.2000	<p>At the request of Mr. Shevde, adjourned to 4.1.99.</p> <p><i>Pkn</i> <i>Ar</i> <i>bl</i></p> <p>(P.C. Kannan) (V. Radhakrishnan) Member (J) Member (A)</p>
4.1.2000		<p>Pt</p> <p>Released from PART HEARD. Adjourned to 28.2.2000.</p> <p><i>Pkn</i></p> <p>(P.C. Kannan) Member (J)</p>
28.2.2000		<p>nkk</p> <p>Seen resolution of the Bar Association to abstain from work today except very urgent matters as a mark of respect to the demise of Hon'ble Shri M. Srinivasan, sitting Judge of the Hon'ble Supreme Court. Adjourned to 6.4.2000.</p> <p><i>Ar</i></p> <p>(P.C. Kannan) Member (J)</p>

तारीख DATE	कार्यालय टिप्पणी OFFICE REPORT	आदेश ORDER
6.4.2000		<p>Division Bench matter.</p> <p>Adjourned to 8.5.2000.</p> <p><i>A</i></p> <p>(A.S. Sanghavi) Member (J)</p>
08.05.2000		<p>Pkn</p> <p>At the request of counsel for the applicant, adjourned to 11.05.2000 making it clear that no further adjournments would be given.</p> <p><i>A</i> <i>MR</i></p> <p>(A.S. Sanghavi) Member (J) (V. Ramakrishnan) Vice Chairman</p>
11.5.2000		<p>mb</p> <p>Mr. Trivedi is absent on account of bereavement. Adjourned to 14.6.2000.</p> <p><i>A</i> <i>MR</i></p> <p>(A.S. Sanghavi) (V. Ramakrishnan) Member (J) Vice Chairman</p>
14-6-2000		<p>Pkn</p> <p>Heard Mr. Trivedi. He submits that he will produce necessary documents to show that the applicant had prescribed qualification. Adjourned to 22.06.2000.</p> <p><i>MR</i> <i>PN</i></p> <p>(R.P. Singh) (P. C. Kannan) Member (A) Member (J)</p>

DATE	OFFICE REPORT	प्रतीक्षा नं 573 अधिकार/98	TIME
22.6.2000	ORDER	3.7.2000	Time being over, adjourned to
3.7.2000	(A.S. Sanghavti) Member (A) (M.P. Singh) Member (J)	3.7.2000.	Division Bench matter.
7.8.2000	(A.S. Sanghavti) Member (J)	6.9.2000.	Division Bench matter. Adjourned to
6/9/00	nak	6.9.2000.	Division Bench matter. Adjourned to
6/9/00	QAH 19/91 and QAH 88/99 are kept together	QAH 19/91 and QAH 88/99 are kept together	Tuesday night Resumed.
	(P.C. Kannan) Member (J)		(C.C. Krishnan) Member (J)

कार्यालय टिप्पणी
OFFICE REPORTआदेश
ORDER

22.6.2000

Time being over, adjourned to

3.7.2000.

(M.P.Singh)
Member (A)(A.S.Sanghavi)
Member (J)

ab

3.7.2000

Division Bench matter.

Adjourned to 7.8.2000.

7.8.2000

(A.S. Sanghavi)
Member (J)

pkm

Division Bench matter. Adjourned to

6.9.2000.

(P.C.Kannan)
Member (J)

nkk

6/9/00

OAI 28191
and
OAI 88199
are kept herewithO/A Heard both sides
Judgment Reserved.(G.C.Shrivastav) (P.C.Kannan)
Member (A) Member (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

OA/190/92

Date of Decision: 22.09.2000

Shri Maheshchandra C.Gurjar

: Petitioner (s)

Mr. M.S.Trivedi

: Advocate for the petitioner(s)

Versus

Union of India & Ors.

: Respondent(s)

Mr. N.S.Shevde

: Advocate for the Respondent(s)

CORAM

The Hon'ble Mr.P.C.Kannan : Member(J)

The Hon'ble Mr.G.C.Srivastava : Member (A)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

NO

DM

Shri Maheschandra C. Gurjar,
17, Hastinapur Society,
Nr. Chandkheda Railway Station,
Post Digvijayanagar
Ahmedabad.

: Applicant

Advocate: Mr.M.S.Trivedi

Versus

1. Union of India,

(Notice to be served through the General
Manager, Western Railway,
Churchgate, Bombay).

2. The Divisional Railway Manager,

Western Railway,
Rajkot Division,
Rajkot.

: Respondents

Advocate: Mr.N.S.Shevde

JUDGMENT

OA/190/92

Date: 22-9-2000

Per : Hon'ble Mr.P.C.Kannan

: Member (J)

We have heard Mr.M.S.Trivedi counsel for the applicant and Mr.N.S.Shevde, counsel for the respondents.

2. The applicants who are working in Mechanical Department under the respondents, are aggrieved with the selection conducted by the respondents for the post Diesel Khalasi in the Mechanical Deptt. in pursuance of the notice dated 31.10.90 (Annexure-A) .

JKW

3. The case of the applicants is that they are fully eligible and qualified for the post of Diesel Khalasi and had applied in the General category. However, they were not called for the interview. Therefore, they earlier filed OA/29/91 and in terms of the order of this Tribunal, the respondents interviewed the applicants. The applicants submit that even though they were interviewed, they were not selected. They submit that their non-selection was due to the personal prejudices of the Respondents on account of having filed the earlier OA and also on the personal prejudices and grudge against father of the applicants Shri Chiranjilal Gurjar who is serving under the respondents and had approached this Tribunal by filing different of O.As. against injustice meted out to him. The applicants also challenged the selection proceedings on the ground that several ineligible candidates were selected by the respondents.

4. The respondents in their reply have stated that the applicants did not fulfil the requisite ~~the~~ minimum eligible qualification of holding an ITI trained diploma and therefore, their candidature was rejected. With regard to the allegation of ineligible candidates ~~were~~ selected, the respondents have denied the same and also submitted that in terms of the select panel, all the selected persons were appointed. As the applicants have not impleaded them as parties to the OA, the respondents contend that their appointment cannot be challenged in the present O.A. The Respondents denied the allegation that they were prejudiced against the applicants or victimised on account of their filing of earlier OA or on account of grudge against the father of the applicants.

DM

5.. At the time of hearing of the OA, Mr.Trivedi, counsel for the applicant produced copies of the certificates granted to the applicants showing the different qualifications of both the applicants. These certificates show that while the applicant No.1 Shri Maheshchandra C.Gurjar has passed in the Trade of Moulder after undergoing the course of training at the Govt. Industrial Training Workshop, Saraspur, applicant No.2 Shri Dineshchandra C. Khatana has qualified in the trade of Welder after undergoing the course of training at the Govt. Industrial Training Centre, Saraspur. As the applicants have not impleaded the selected persons whose selection have been challenged, Mr.Trivedi submitted that the applicants would confine their relief only to the prayer regarding not selecting the applicants for the post of Diesel Khalasi.

6. Mr.Shevde counsel for the respondents submitted that the applicants have not undergone the course of training at the Industrial Training Institute (ITI), they are not eligible to apply for selection. He submitted that both the applicants were trained in Govt. Industrial Training Workshop/Govt. Training Centre which cannot be equated to ITI. In the facts and circumstances, he submitted that the applicants did not fulfil the eligibility conditions prescribed under the notification.

7.. We have carefully considered the rival contentions of both sides and examined the pleadings. The eligibility conditions prescribed under the Notification dated 31.10.90 reads as follows:-

JKW

: 5 :

"Eligibility:

(i) Apprentices trained under the Apprenticeship Act.
OR
(ii) I.T.I. trained Diploma holders"

8. The certificates produced by both the applicants show that they have completed the course of training at the Govt. Industrial training workshop /Govt. Industrial Training Centre. These certificates are not the certificates issued by the Industrial Training Institute. No materials have been placed before us to show that these certificates are equivalent to ITI certificates. In the facts and circumstances, the applicants have not fulfilled the eligibility conditions as prescribed in the Notification dated 31.10.90 (Annexure A) . The applicants have also contended that the Respondents were prejudiced on account of filing of earlier OA No.28/91 and also due to grudge against the father of the applicants. No details ^{concerned were} ^{Plz} in this regard have been placed before us or the persons impleaded. We therefore, reject this contention.

9. In the light of the above, we hold that the OA is devoid of any merit and accordingly dismissed. No costs.

Cecowalwa
(G. Srivastava)
Member (A)

Rhawey
(P.C. Kannan)
Member (J)