

**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 Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

20

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

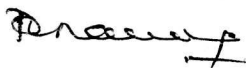
Date: 17.8.1998.

CA/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 )  
Member(J)



( V. Radhakrishnan )  
Member(A)

npm

DATE	Office Report	M.A.665/98	in	O.A.190/92	ORDER
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			
		Call on 23.11.98.			
					(V.RADHAKRISHNAN) MEMBER (A)
23.11.98		*SSN			
		Mr.Thakkar files leave note today, adjourned to 13.1.99.			
					(P.C.Kannan) Member (J)
					(V.Radhakrishnan) Member (A)
		nkk			
13-1-99		Leave note filed by Mr.Thakkar.			
		Adjourned to 23-2-99.			
					(P.C.KANNAN) MEMBER (J)
					(V.RADHAKRISHNAN) MEMBER (A)
		"SSN			
23.2.99		place it before the Division Bench on 9.4.99.			
					(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.

*Pn*  
(P.C.Kannan)  
Member(J)

*VR*  
(V.Radhakrishnan)  
Member(A)

06.05.99

nkk

Time being over, adjourned to 11.06.99.

*Pn*  
(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 .

*Pn*  
(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)


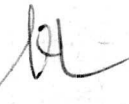






6.8.99

Time being over, adjourned to 16.8.99.


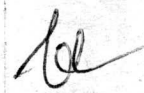



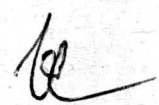
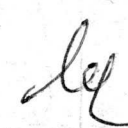
*Pn*  
(P.C.Kannan)  
Member(J)

*VR*  
(V.Radhakrishnan)  
Member(A)

nkk

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



तारीख 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.  <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">             (P.C. Kannan)            Member (J)         </div> <div style="text-align: center;">             (V. Radhakrishnan)            Member (A)         </div> </div>
15.10.99		Mr.Trivedi and Mr.Shevde are present. Att the request of Mr.Trivedi, adjourned to 28.10.99.  <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">             (P.C.Kannan)            Member (J)         </div> <div style="text-align: center;">             (V.Radhakrishnan)            Member (A)         </div> </div>
28.10.99		Mr.Trivedi and Mr.Shevde are present Att he request of Mr.Trivedi, adjourned to 18.11.99.  <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">             (P.C.Kannan)            Member (J)         </div> <div style="text-align: center;">             (V.Radhakrishnan)            Member (A)         </div> </div>
18.11.99		Being a Division Bench matter, adjourned to 2.12.99.  <div style="text-align: right;">             (V.Radhakrishnan)            Member (A)         </div>

दिनांक  
DATE

कार्यालय टिप्पणी  
OFFICE REPORT

आदेश  
ORDER

2.12.99

At the request of Mr. Shevde,  
adjourned to 3.12.99.

*Pn*  
(P.C. Kannan)  
Member (J)

*bl*  
(V. Radhakrishnan)  
Member (A)

Pt

3.12.99

As per business  
adjourned on 4/1/2000

*Pn*  
6/12/99

At the request of Mr. Shevde,  
adjourned to 4.1.99.

*Pn*  
(P.C. Kannan)  
Member (J)

*bl*  
(V. Radhakrishnan)  
Member (A)

Pt

4.1.2000

Released from PART HEARD.  
Adjourned to 28.2.2000.

*Pn*  
(P.C. Kannan)  
Member (J)

nkk

28.2.2000

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 ~~XX~~ Court. Adjourned to  
6.4.2000.

*Pn*  
(P.C. Kannan)  
Member (J)





<p>22.6.2000</p> <p>DATE</p>	<p>3.7.2000</p> <p>3.7.2000.</p> <p>(M.P.Singh) Member (A)</p> <p>(A.S.Sanghavi) Member (J)</p> <p>Time being over, adjourned to</p>	<p>3.7.2000</p> <p>Division Bench matter.</p> <p>Adjourned to 7.8.2000.</p> <p>(A.S. Sanghavi) Member (J)</p> <p>Pm</p> <p>Division Bench matter. Adjourned to</p> <p>6.9.2000.</p> <p>(P.C.Kannan) Member (J)</p> <p>nk</p> <p>Heard both sides</p> <p>Judgment Reserved.</p> <p>(G.C.Srinivasar) (P.C.Kannan) members</p>	<p>6/9/00</p> <p>04128/91 and 04188/99 are kept herewith</p>
<p>OFFICE REPORT</p>	<p>ORDER</p>	<p>ORDER</p>	<p>OFFICE REPORT</p>

कार्यालय टिप्पणी  
OFFICE REPORT

आदेश  
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.

(A.S. Sanghavi)  
Member (J)

plm

7.8.2000

Division Bench matter. Adjourned to  
6.9.2000.

(P.C.Kannan)  
Member (J)

nkk

6/9/00

OAI 28/91  
and  
OAI 88/99  
are kept herewith

OM 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?

*Don*

170

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) .

*Dr*

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.



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:-

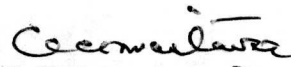
*Jan*

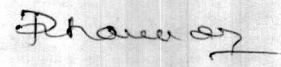
" Eligibility:

- (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 in this regard have been placed before us or the persons <sup>concerned were</sup>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.

  
(G. Srivastava)  
Member (A)

  
(P. C. Kannan)  
Member (J)