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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.315 OF 1991

Cuttack, this the 2nd day of Aug., 1995

Manoranjan Tripathy & others ..... Applicants.

-versus-

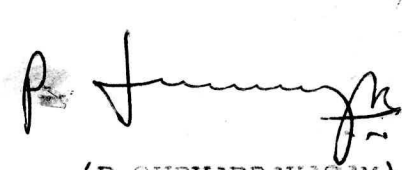
Union of India & others ..... Respondents.

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not? No
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

02 AUG 95

  
(P. SURYAPRAKASAM)  
MEMBER (JUDICIAL)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.315 OF 1991  
Cuttack, this the 2<sup>nd</sup> day of August, 1995

CORAM:

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)  
AND

HON'BLE SHRI P.SURYAPRAKASAM, MEMBER (JUDICIAL)

...

1. Manoranjan Tripathy, aged 30 years, son of Dinabandhu Tripathy, At/P.O-Mahukhanda, Dist.Puri.
2. Sri Gopendra Mohanty, aged 30 years, son of Somanath Mohanty, At-Bayalisibati, P.S-Gop, Dist.Puri.
3. Prakash Chandra Barik, aged 30 years, son of late Nityananda Barik of village-Chunati, P.S-Bhadrak, Dist-Balasore, All of C/O M.M.Basu, Advocate, Bhubaneswar.....Applicants.

By the Advocates

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M/s M.M.Basu, D.Chakrabarty,  
S.Misra & B.K.Patra.

-versus-

1. Union of India, represented by the General Manager, South Eastern Railways, Garden Reach, Calcutta-700 043.
2. Chairman, Railway Recruitment Board, Bhubaneswar, Orissa Forest Corporation Building, Unit-III, Bhubaneswar.
3. Sarat Chandra Pradhan, son of not known, Commercial Clerk, Annupur Station, through the Divisional Railway Manager, SE Railway, Bilaspur.
4. Partha Chakravarty, son of not known
5. S.Udayakumar, son of not known
6. Dinesh Kumar Panda, son of not known
7. Asit Kumar Saha, son of not known
8. Subhandu Roy, son of not known  
All Assistant Yard Master, S.E.Railway, Kharagpur.
9. Utpal Mahato, son of not known,  
Assistant Controller, Kharagpur Division, S.E.Railway, Kharagpur
10. Pranab Haldar, son of not known, Asst. Yard Master,

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- S.E. Railway, Adra Dist. Bardwan
11. Rabindranath Biswas, son of not known
  12. Kamal Kanta Tudu, son of not known  
Both Assistant Yard Master, Kharagpur Division,  
Kharagpur.
  13. Biswarup Barman, son of not known, Assistant  
Yard Master, Bilaspur, P.O/P.S-Bilaspur (M.P.),  
S.E. Railway
  14. Manabesh Mishra, Assistant Controller, Bilaspur S.E. Railway,  
Bilaspur Division, Bilaspur (M.P.)

.....Respondents.

By the Advocates

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M/s B. Pal, QN, Ghosh &  
D. Dey.

O R D E R

P. SURYAPRAKASAM, MEMBER (J)

The applicants, in pursuance of the Railway Recruitment Board employment Notification No. RRB-BBS-I-N-3/87, applied for the post of Traffic Apprentice in the South Eastern Railway. They were empanelled for the post of Traffic Apprentice Category-V and this fact was also intimated to them. Although the applicants' names find place in the panel under Sl. Nos. 46, 49 and 51, they have not been given any employment and as such the applicants have approached this Tribunal for the following reliefs:

"In view of the facts mentioned in para-4 above, the applicants pray for the following relief(s).  
(i) That your Lordships be benignly pleased to direct the Respondent No. 1 that the applicants may be absorbed as Traffic Apprentices under the Respondent No. 1 with retrospective benefits alternatively the applicants may be offered suitable alternative employment by the Respondent No. 1 befitting to their qualifications.

And such other relief or reliefs to which the applicant entitled to may please be granted."

*b*

2. The Respondents filed their counter stating that this matter is barred by limitation and also the life of the panel is only for two years and in the earlier O.A. the life of the panel was declared to be two years and that was not extended further. The Respondents further submit that mere empanelling will not vest any right in the applicants for the post of Traffic Apprentices and therefore, this application is without any merit. The respondents relied on the case reported in (1991) 3 SCC 47 (Sankarsan Das-v-Union of India) for the said proposition.

3. The applicants argued that originally these 41 vacancies including 10 SC and ST were for three Divisions alone, but subsequently some of the persons who have been appointed were posted beyond the three Divisions and therefore, in that place, the applicants could have been appointed or at least could be appointed by the Respondents.

4. On the last occasion, when the case was argued, we had instructed the Respondents' counsel to furnish the list of selection, as well as the whole file, in order to satisfy ourselves whether 10 persons could be fitted into the category of SC and ST and also to find out whether any of the juniors of the applicants whose names find place in the list, has been appointed to the post of Traffic Apprentice. In pursuance of the same, the

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Respondents' counsel has brought the file and placed before us. We have gone through the file and we do not find any irregularity or infirmity in the list of panel.

5. According to the Respondents, upto Sl.No.41 of the select list persons were given appointment and since the names of the applicants find place in the list only at Sl.No.46 and beyond and since the life of the panel is only two years, the applicants could not be accommodated. We find that there is no infirmity in this. The Respondents' counsel specifically submitted that not a single junior or who is ranked below than the applicants was appointed to the post. We are satisfied with the explanation given by the Respondents. The applicants whose names figure at Sl.No.46 and beyond surely will have a cause of action, provided if any of the persons who have been empanelled below their names has been appointed to the post in question. But in view of the factual denial by the Respondents with regard to this, we are unable to accept the contention of the applicants. Furthermore, the applicants do not have any vested right just because their names find place in the list, as settled by the Supreme Court in various decisions.

6. With regard to the question of limitation, although it may<sup>not</sup> be within time under the Rules provided under the Administrative Tribunals Act, but the applicants have submitted that they not being employees did not have any chance to know the position and as such time expires for the purpose of limitation only from the date of

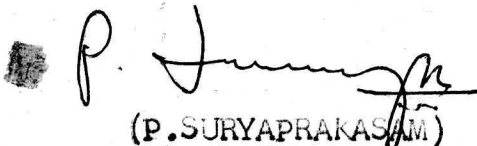
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knowledge. However, we are not passing any order as regards this question of limitation since even otherwise the application is liable to be dismissed, as observed above.

7. In the circumstances, the application is dismissed as devoid of any merit. There will be no order as to costs.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

02 AUG 95

  
(P. SURYAPRAKASAM)  
MEMBER (JUDICIAL)

Nayak/PS.