

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

DA No. 46/1995.

Date of order : 18.9.1995.

1. Mangusinh
2. Shankerlal
3. Mansingh
4. Babulal Gehlot

... Applicants.

versus

Union of India & Others ... Respondents.

Mr. B.M. Bohra, Counsel for the applicants.

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. N.K. Verma, Administrative Member.

....

PER HON'BLE MR. GOPAL KRISHNA:

Applicants Mangusinh, Shankerlal, Mansingh and Babulal have prayed for the following reliefs:

"(i) by appropriate order or directions, the impugned order Annexure A/1 dated 27.1.95 may be quashed and set aside with all its consequences as if the same was never passed and issued ;

(ii) by appropriate order or directions, it be declared that during the existence of the previous panel, holding of fresh test by Annexure A/9 ; and its consequential letters/ orders Annexures A/10 and A/11 culminating into Annexure A/1 are illegal and void and they may also be quashed and set aside ;

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(iii) by appropriate order or directions, the respondents may be directed to send the applicants on training at Chandausi which is a pre-condition for grant of promotion to the post of ASM, as the applicants have already passed the written test, psycho-test etc. and are running on the panel validly prepared ;

(iv) by appropriate order or direction, the respondents may be directed to send the applicants on training and on their successful completion of training, accord due promotions to them on the post of Assistant Station Master in the grade of Rs. 1200-2040 (RPS) ;

(v) by appropriate order or direction it be declared that the action of the respondents in issuing Annexures A/9, A/10, A/11 and A/1 is nothing but wastage of government funds, time and energy and an exemplary costs may be imposed upon them and serious strictures may also be passed against them ;

(vi) any other appropriate relief, which is deemed just and proper in the circumstances of the case may also be granted to the applicant to meet the interest of justice.

(vii) costs may be allowed to the applicants."

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The case of the applicants is that for the purpose of filling in the posts of Assistant Station Master (for short, ASM) in the pay scale of Rs. 1200-2040, the Division Railway Manager, Northern Railway, Jodhpur had issued the letter dated 22.9.88 whereby all eligible persons from all branches of the Division including the applicants, were invited to appear in the written test to be held on 9.10.88. The result of the written test was declared on 30.12.88. 50 candidates including the applicants were declared successful in the written test. Thereafter, a psycho test was held on 22.2.89 for candidates who had qualified the written test. In the psycho test 23 candidates were declared passed. The applicants failed in

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the psycho test and they were allowed another opportunity to appear in the psycho test alongwith some other candidates. Applicants and several others passed the psycho test which was held on 24.6.94 vide Annexure A/7 dated 15.7.94. This document indicates that the then candidates including the applicants were declared suitable for the test of ASM in the aforesaid grade. The contention of the learned counsel for the applicants that the Annexure A/7 dated 15.7.1994 is actually a panel of successful candidates for appointment to the post of ASM cannot be sustained because it is crystal clear from the perusal of this document that it is a result declared of the psychological test for serving employees which was conducted on 24.6.94.

4. The contention of the respondents, on the contrary, is that actually ten candidates were able to qualify for the second psychological test for the post of ASM grade Rs. 1200-2040 and the result of the suitable candidates was referred to Headquarters office on 18.7.1994 for obtaining the approval of the competent authority for the extension of life of the panel of ASM declared on 29.4.89. But the proposal for extension of life of the panel which had expired on 28.4.1991 has been turned down by the Railway Board vide communication dated 13.1.1995 at Annexure R/2. It is contended by the respondents that merely passing the psychological test is no ground to be selected and placed on the panel for promotion as ASM as the applicants can have a claim only if the panel is approved by the competent authority. Since the proposal for extending the life of the panel was not approved by the competent authority, the applicants cannot be promoted as their

names did not appear in the list of selected candidates. It is stated by the respondents that fresh selections for the post of ASM were initiated by them for 67 vacancies in 1994 since no empanelled candidates were available for promotion as ASM. Only 24 eligible candidates were called for the written test held on 3.9.1994, out of which 13 candidates were placed on the panel vide Annexure A/1 dated 27.1.1995.

5. Since the applicants could not be empanelled for the reason that the proposal to extend the life of the panel prepared in 1989 was not approved by the competent authority and their name could not be included in the panel issued later, they cannot claim any right to promotion as ASM merely on the ground of their having cleared the psychological test held on 24.6.1994.

6. We find no merit in this application and the same is dismissed at the stage of admission. The prayer of the learned counsel for the applicants for awarding damages to the applicants is not sustainable. No order as to costs.

N.K. Verma
(N.K. VERMA)
MEMBER (A)

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

R.W.
R.W.
2018.

copy received
20878
21/12/2018

Enclosed

Part II and III destroyed
in my presence on 21/12/2018
under the supervision of
section officer () as per
order dated 14/12/2018

Section officer (Record)