

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 24.2.98

OA 527/95

Hasnu Din, Goods Driver in Loco Shed Churu, Northern Railway.

... Applicant

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Assistant Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
3. Loco Foreman, Loco Shed Churu, Northern Railway.
4. Shri Alwin Alfad, Driver Goods, Lalgarth, Bikaner, Northern Railway.
5. Shri Bhawani Singh, Goods Driver, Churu, Northern Railway

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.J.K.Kaushik

For the Respondents

... Mr.R.K.Soni

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Hasnu Din, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying therein that the order dated 6.9.95, at Annexure A-1, by which his name from the panel of Goods Driver stands deleted, may be quashed with all consequential benefits.

2. Applicant's case is that he was initially appointed on the post of Loco Cleaner in the Northern Railway on 29.3.63. He enjoyed his promotion to the post of Fireman in various grades. He became Shunter in July, 1990. He has been officiating on the post of Goods Driver scale Rs.1350-2200 on ad hoc basis w.e.f. 1.1.95. He appeared in the regular selection for the post of Goods Driver and on the basis of the result of the written examination and the viva-voce, his name was placed in the panel dated 7.6.95, at Annexure A-2. However, in a subsequent panel, at Annexure A-1 dated 6.9.95, the name of the applicant was deleted on the ground that as a result of a further screening held in terms of the General Manager, Northern Railway's instructions, communicated by letter dated 4.4.84, he was not found suitable for inclusion in the panel. It is not disputed that the applicant has been continuing to work on the post of Goods Driver on ad hoc basis.

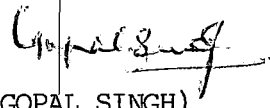
3. The case of the respondents is that as a result of a further screening conducted in terms of the General Manager, Northern Railway's instructions,

incorporated in Annexure R-2 dated 4.4.84, the applicant was found unsuitable for inclusion in the selection panel and, therefore, his name was deleted while drawing up the panel Annexure A-1 dated 6.9.95. The case of the applicant is that under the rules no such screening, as provided in Annexure R-2, could have been conducted after the applicant had passed the selection test and his name had been included in the selection panel. The General Manager has no power to frame any rule of this nature and, therefore, the screening conducted by the respondents is illegal.

4. We have heard the learned counsel for the parties and have perused the material on record.

5. The learned counsel for the applicant has produced a copy of an order passed by a Division Bench of this Tribunal in OA 447/95, decided on 10.9.97 (Hari Ram v. Union of India and others). The aforesaid order has been taken on the record of this case. This case is squarely covered by the decision rendered in the OA, referred to above, and therefore the exclusion of the name of the applicant from the selection panel on the basis of the so-called screening conducted by the respondents, which is in fact only by one officer, cannot be sustained.

6. In the circumstances of the present case, we direct that the respondents shall conduct a fresh screening, through a committee consisting of the officers mentioned in para-3 of Annexure R-2, within a period of one month from the date of receipt of a copy of this order. The screening should be conducted strictly in accordance with the instructions contained in Annexure R-2. If the applicant is found suitable on the basis of such screening, he would be entitled to inclusion of his name in Annexure A-1 dated 6.9.95. The applicant has already been continuing on the post of Goods Driver on ad hoc basis. If the applicant is found suitable for promotion on the basis of the result of the screening to be conducted in accordance with the directions given above, the applicant shall be granted promotion to the post of Goods Driver from the date from which person junior to him has been granted promotion. The OA stands disposed of accordingly. No order as to costs.

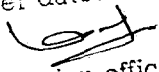

(GOPAL SINGH)
ADM. MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK

10/27/98
dem
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RS-67
2/13/98

Part II and III destroyed
in my presence on 3-3-2004
under the supervision of
section officer (J) as per
order dated 2/12/2003.

Section officer (Record)