

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH: JODHPUR.

O.A. No. 345/1996

Date of Order: 23.5.1998

J.P. Meena s/o Shri Bhopal Ramji, r/o Railway Quarters No. T-13, Traffic Colony, Balotra, presently working as Station Master at Balotra, Railway Station Balotra (Rajasthan).

... Applicant

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. The Divisional Personnel Officer, Northern Railway, Jodhpur.

... Respondents

Mr. S.K. Malik, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

Per Hon'ble Mr. Gopal Singh

The applicant, J.P. Meena, has filed this application Under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the impugned orders dated 8.10.1996 (Annex. A/1) and letter dated 10.10.1996 (Annex. A/2) and also for issuing a direction to the

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respondents to allow the applicant to appear in the selection test for the post of Station Superintendent (for short, SS) in the grade of Rs. 2375-3500 scheduled to be held on 2.11.1996.

2. On preliminary hearing of this case, this Tribunal had directed the respondents to provisionally allow the applicant to sit in the examination scheduled to be held on 2.11.1996 and the result thereof be kept in sealed cover.

3. The case of the applicant is that he was not called for the selection test in terms of Annexure A/1, whereas he had been called for the selection test earlier vide Annexure A/4 and Annexure A/6 dated 25.6.1996 and 20.9.1996 respectively. This has happened because of revision of the seniority list by the respondents and the applicant becoming ineligible to appear in the selection test for the post of SS in terms of the revised seniority list.

4. WE have heard the learned counsel for the parties and perused the records of the case.

5. During the arguments, the learned counsel for the respondents has submitted that in the revised seniority list issued on 6.5.1997 the name of the applicant appears at Sl. No. 2 and that in view of the revised seniority list the applicant has since been promoted to the post of SS in the scale of Rs. 2375-3500 vide order dated 19.7.1997. This order dated 19.7.1997 has also been produced before us. Both these documents have been taken on record.

6. The learned counsel for the applicant has submitted that the applicant has since been promoted to the post of SS in terms of the revised seniority list issued on 6.5.1997 without any selection test as the post of SS has since been declared as non selection post. The learned counsel for the respondents has also submitted that as against the test conducted for filling of 10 posts of SS, they had only drawn a panel of seven candidates and three posts were kept unfilled because of three persons had filed original application in the Tribunal seeking consideration of their cases for appointment to the post of SS. The result of the selection test held on 2.11.1996 in respect of the applicant was produced before the court on 6.5.1998 and the same was opened. It is seen from the result that the applicant has qualified the

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test. Since the applicant has already been promoted to the post of SS, the limited question now to be decided is his position vis a vis the candidates empanelled on the basis of the selection test held on 2.11.1996. It is seen from the revised seniority list issued by the respondents vide letter dated 6.5.1997 that the applicant appears at Sl. No. 2 of that list. The learned counsel for the respondents also admitted that in terms of the revised seniority list issued on 6.5.1997, the applicant was eligible to take the selection test held on 2.11.1996. Thus, had the applicant been allowed to take the test held on 2.11.1996 in normal course, he would have been empanelled alongwith the seven candidates already empanelled. We are, therefore, of the view that the applicant should be empanelled alongwith the seven empanelled candidates on the basis of the result of the selection test held on 2.11.1996. We, therefore, find that the application has much strength and deserves to be allowed.

7. The O.A. is accordingly allowed and disposed of with a direction to the respondents to empanel the applicant to the post of SS alongwith the seven empanelled candidates and consider the applicant for promotion to the post of SS as per his place in the panel and availability of vacancy with all consequential benefits within a period of three months from the date of issue of this order.

8. Parties are left to bear their own costs.

*Gopal Singh*  
(Gopal Singh)  
Administrative Member

*A.K. Misra*  
(A.K. Misra)  
Judicial Member

Aviator/