

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 22.12.2000

O.A. No. 259/1998

1. Nath Mal S/O Shri Ram Singh aged 49 years, Goods Driver
2. Jai Shankar S/O Shri Ambika Prasad aged 51 years
Goods Driver &
3. Kishan Singh S/O Shri Mangal Singh aged 49 years
Goods Driver

Address for Correspondence :

C/O Shri Jai Shankar, Gali No.18, Rampura Basti,
Lalgarh, Bikaner.

Official Address:

C/O Loco Foreman, Lalgarh, Northern Railway, Bikaner.

... Applicants

Vs

1. Union of India, through General Manager, Northern Rly.
Baroda House, New Delhi.
2. Divisional Personnel Officer, Northern Railway,
Bikaner Division, Bikaner.
3. Divisional Mechanical Engineer (P), Northern Railway,
Bikaner Division, Bikaner.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicants.

Mr. V.D. Vyas, Counsel for the Respondents.

CORAM

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the
Administrative Tribunals Act, 1985, applicants Nath Mal,
Jai Shankar and Kishan Singh have prayed for declaring the

Gopal Singh

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result of selection held for the post of Goods Driver as illegal and the same may be quashed and for further direction to the respondents to proceed with the selection as per the procedure laid down by the Railway Board and allow the consequential benefits to the applicants.

2. Applicants' case is that they had initially joined respondents Railways on Group 'D' post and in due course of time they were promoted ~~as~~ as per the channel of promotion, last promotion being to the post of Goods Driver from 15.11.93, 1994 and 25.5.'96 respectively. The respondents had organized a selection for the post of passenger driver scale Rs.5500-9000 during May and June, 1998, the result of which was declared on 17.8.98. Applicants' name did not find place in the list of successful candidates called for an interview vide respondents' letter dated 17.8.'98 (Annexure A/1). It is the contention of the applicants that they came to know from reliable sources that the answer sheets were examined by the Divisional Commercial Manager, Bikaner and not the Member of Mechanical Branch as per the procedure in vogue. It has also been alleged that the Selection Board was not constituted as per the rules. Hence, this application.

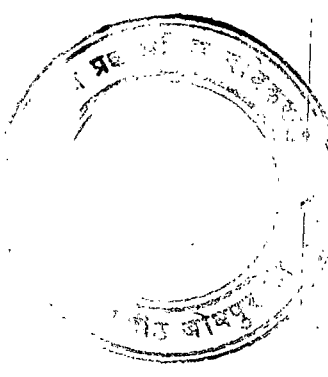
3. Notices were issued to the respondents and they had denied the case of the applicants in the reply statement.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. In the instant case, the applicants are challenging the selection process after having appeared in the selection and having been declared failed. The Principal Bench of the Central Administrative Tribunal in Dhirendra Kumar Vs. UOI & O (1990) 12 ATC 625 has held that a candidate cannot question the selection process after appearing in it, but having been


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declared unfit. In the light of the observations of the Principal Bench in this regard, we are of the view that the application is devoid of any merit and deserves dismissal.

6. The Original Application is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

J

Recd copy
J. L. L. L.
2/10/2000
R. L. L. L.
2/11/2000
M. L. L. L.

Part II and III destroyed
in my presence on 3.1.2.27
under the supervision of
section officer (1) as per
order dated 1.2.11.0.5

Section officer (Record)