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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH JODHPUR.

OA No.298/98

Date of Order : 24.07.2001

Bhagwana Ram S/O Shri Maman Ram, aged about 43 years, working as ad hoc Goods Driver at Sadulpur Station of Bikaner Division, Northern Railway, Resident of Sadulpur C/o Janpriya Pan Bhandar, Station Road, Sadulpur, District Churu.

....APPLICANT

VERSUS

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

....RESPONDENTS.

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Mr. Y.K. Sharma, counsel for the applicant.

Mr. Salil Trivedi, counsel for the respondents.

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CORAM

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

Hon'ble Mr. A.P. Nagrath, Administrative Member.

ORDER

(per Hon'ble Mr. A.P. Nagrath)

The applicant has prayed for quashing the impugned order dated 27.10.98 Annexure A/1 and other subsequent proceedings thereafter, and to direct the respondents to proceed with the selection as per

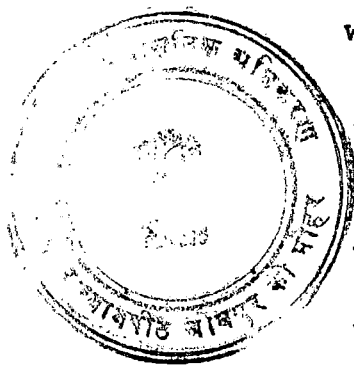


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procedure laid down by the Railway Board with all consequential benefits.

2. When this application was taken up for admission, the learned counsel on either side brought to our notice that the same selection had been challenged in OA No. 297/98 and the same was dismissed by this Tribunal by order dated 31.07.2000. However, the learned counsel for the applicant submitted that the applicant in this O.A. belongs to S.T. and there are instructions from the Railway Board that SC/ST employees should be imparted Pre-Selection Coaching. His plea is that the applicant was not spared to attend this coaching with malafide intention and on that ground the learned counsel contended that the selection proceedings were vitiated as these were not in conformity with the rules.




3. We have perused the Railway Board's instructions that and we find these are in the nature of the guidelines which are not statutory and do not create any legal right in favour of any employee. In the instant case, it is not the stand of the applicant that no such Pre-Selection Coaching was organised. His only plea is that he was not spared to attend the coaching classes, with malafide intentions. No grounds of malafide have been stated in the application nor any individual has been named as a respondent against whom, such malafide is alleged. Respondent have stated in reply that the applicant on his own did not participate in the Pre-Selection Coaching. Be that as it may, the fact remains that the applicant appeared in the selection. By this Act, he has himself waived off any condition which he thought was a necessary condition precedent to holding of a selection. We would also like to observe that this plea has not even been taken as a ground on which the impugned selection has been challenged. We do not


8

find any reason to hold a view different from the one taken by this Tribunal while dismissing O.A. 297/98. We do not find any merit in this case and this application is liable to be dismissed.



4. We, therefore, dismiss this O.A. as devoid of any merits. No order as to costs.

  
(A.P. Nagrath)  
Admn. Member

  
(Justice B.S. Raikote)  
Vice Chairman.

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20.2.01

PAM II and III destroyed  
in my presence on 16.5.07  
under the supervision of  
section officer 11 as per  
order dated 13/3/07

NAQA  
Section officer (Records)