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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

.....
DATE OF ORDER : 9.2.2001

O.A.NO. 181/99

Chamanlal S/o Shri Asha Ram Caste Chamar Office Superintendent Grade I in the Office of Divisional Cashier, Northern Railway, Bikaner R/o Kharnada Mohalla, Near Old Power House, Behind Banthia Building, Ramdevji Temple, Bikaner (Raj).

.....applicant.

VERSUS

1. Union of India through General Manager, Northern Railway Headquarter Baroda House, New Dehi.
2. Chief Cashier (JA), Northern Railway, New Multi Storey Building, New Delhi. -110055.
3. The Divisional Cashier, Cash Office, Northern Railway, Bikaner -334001.
4. The Divisional Accounts Officer, Northern Railway, Divisional Office, Bikaner (Rajasthan) 334001.
5. Smt. Amarjeet Kaur, Office Superintendent, Grade-I, Northern Railway, Chief Cashier (JA) Office, New Multi Story Buiding, New Delhi. 110 055.
6. Sh. Manvendra Singh, Office Superintendent, Grade-II, Northern Railway, Chief Cashier (JA), Office, New Multi Storey Building, New Delhi. 110 055.
7. Sh. R. B. Gera, Office Superintendent, Grade-II, Northern Railway, Divisional Cashier's Office, Barida House, New Delhi.

.....respondents.

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PRESENT :

Mr. Bharat Singh, Counsel for the applicant.

Mr. S. S. Vyas, Counsel for the respondents No. 1 to 4.

Mr. Manvendra Singh, respondent No. 6, is also present.

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CORAM :

HON'BLE MR. A. K. MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

.....
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PER HON'BLE MR.A.K.MISRA :

The applicant had filed this O.A. with the prayer that the respondents order dated 28.6.99 (Annex.A/1), be quashed by which the name of the applicant has been placed in the panel at No. 4 by amending the panel. It is alleged by the applicant that the applicant's name was placed at No. 1 in the select panel dated 19.2.97 (Annex.A/2). It is further alleged by the applicant that the change in placement of the applicant in the panel, was without any notice to the applicant and consequently, the order deserves to be quashed.

2. On the other hand, the respondents have stated that applicant was declared successful on the basis of the relaxed standard in terms of Railway Board's Circular No. 10647. In the earlier panel, his name was wrongly placed at No. 1 whereas as per the Circular, the name of the candidate should be placed in the panel below all the general candidates who had passed in the examination as per the general standard, therefore, the O.A. deserves to be dismissed.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. The learned counsel for the applicant has stated that the applicant was promoted to the higher post because he was at No. 1 in the panel and by placing his name now at No. 4 in the panel, he apprehends that he may be demoted. Moreover, the change in the placement position in the panel was without notice and, therefore, the applicant deserves to be restored back to No. 1 position in the panel.

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5. On the other hand, the learned counsel for the respondents has submitted that all the four candidates empanelled, have been promoted and posted on the post of OS-I. The persons, immediate above the applicant i.e. Manvinder Singh and Shri R.B.Gera, were promoted vide order dated 1.1.2001, who were shown in the amended panel dated 28.6.99 at Nos 2 and 3. Therefore, there is hardly any possibility of reversion of the applicant.

6. We have considered the rival submissions. In our opinion, the applicant was correctly placed as the junior most in the select panel Annex.A/1 as per the terms of the Circular No. 10647, because he had passed the qualifying test by relaxed standard. The amended panel was issued on 28.6.99 placing the applicant at No. 4. The applicant was promoted on the post of OS-I vide order Annex.A/4 dated 1.3.99 and since then he is working on that post. Consequent to Annex.A/1, the applicant had apprehended his reversion, therefore, it was ordered that the applicant may not be reverted from the promotional post as per the changed panel position. Thus, the applicant continued to work on the promotional post. Now, other two candidates have been promoted on the said post of OS-I vide order dated 1.1.2001, produced during the course of arguments, which has been taken on record. In view of this, we do not think that applicant would be reverted back to the post of OS-II. One Shri Manvinder Singh, O.S. (Confidential), was present during the course of arguments and on the basis of the information supplied by him to the learned counsel for the respondents, the learned counsel for the respondents submitted that in view of the latest promotion order dated 1.1.2001, there is no chance of applicant being

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reverted due to the lower placement position of the applicant in the panel. Considering these submissions, we have got no reason to conclude otherwise than what has been submitted to us. When all the four empanelled candidates have been promoted to the higher position including the applicant, the apprehension of the applicant that he may be reverted due to the amended panel, is ill founded. In view of the promotion order dated 1.1.2001, the O.A. has in fact, become infructuous.

7. In view of the above, we do not find any fault in placing the applicant at position No. 4 in Annex.A/l. The O.A. deserves to be dismissed as infructuous and is hereby dismissed with no orders as to cost.

Gopal Singh

(GOPAL SINGH)
Adm. Member

A.K.MISRA

(A.K.MISRA)
Judl. Member

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Part II and III destroyed
in my presence on 22/3/07
under the supervision of
section officer () as per
order dated 29/2/07

Section officer (Record)

R. Ray
B307506
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Recd
maz
16/4/2007