

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00038/2014

Reserved on :28.07.2016

Jodhpur, this the 5<sup>th</sup> day of August, 2016

**CORAM**

**Hon'ble Dr. Murtaza Ali, Judicial Member**

**Hon'ble Ms Praveen Mahajan, Admn. Member**

1. Lachchhi Ram Sharma S/o Dalu Ram Sharma, age 36 years, R/o Senior Section Engineer/P.WAY NWR, Mathania (presently working as Keyman/3, at Manaklaw).
2. Swami Vivekanand Sinha S/o. Vireshvar Sinha, age 32 years, R/o Railway Quarter No. GD 78 'b'NWR, JASAI, Dist Barmer, Rajasthan (presently working as Keyman at Jasai).
3. Subodh Kumar S/o Shree Ambika Sing, age 25 years, R/o C-15, Mandal Nath Railway Crossing, Jodhpur (presently working as Gateman at Mandalnath).
4. Chander Shekhar Azad S/o Shival Singh, age 38 years, R/o Gang No. 19, Marwar Bithadi, Phalodi, Jodhpur (presently working as Keyman at Marwar Bithadi).

.....Applicants

By Advocate: Mr Parvej Moyal

Versus

1. The Union of India through the General Manager, North Western Railway, Head Quarter Jaipur.
2. The Joint Director, Pay Commission, Railway Board, Ministry of Railway, New Delhi.
3. The Divisional Railway Manager, North Western Railways, Jodhpur.
4. The Senior Divisional Personnel Officer, North Western Railways, Jodhpur.

.....Respondents


By Advocate : Mr Kamal Dave



**ORDER****Per Dr Murtaza Ali**

Through this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants seek to quash the letter dated 4.10.2013 (Annexure A-1) and also a direction for the respondents to complete the selection process as per the advertisement (Annexure A-2) and appoint them as per merit after finalizing the recruitment process.

2. The brief facts of the case are that in pursuance of an advertisement dated 21.8.2012 (Annexure A-2) issued by the respondent No. 3 for fulfilling the posts of Senior Permanent Way Supervisors against LDCE/Seniority-cum-Suitability quota, the applicants, who are working as Keymen/Gatemen, applied for the said post. After qualifying the written examination, they were called for paper screening vide letters dated 11.1.2013 (Annexure A-3) and 14.3.2013 (Annexure A-4). It has been alleged that the respondent No.3 wrongly cancelled the whole selection vide impugned letter dated 4.10.2013 (Annexure A-1) taking support of letter dated 6.9.2013 (Annexure A-5) issued by respondent No. 2. The applicants sent a legal notice dated 5.1.2015 to the respondents against the cancellation of selection process but they did not pay any heed to it. It has also been contended that the DRM Bikaner did



not cancel the selection and has also sent the selected candidates for training vide letter dated 17.10.2013 (Annexure A-3).

3. In the reply filed on behalf of respondents, it has been admitted that in pursuance of notification dated 21.8.2012, the applicants appeared in the written examination on 9.2.2013 and they were found suitable for paper screening. It has been stated that the process of selection was challenged in O.A. No. 402/12 Radhakrishna and others Vs. UOI and others and this Tribunal ordered vide its order dated 7.11.2013 provided that the respondents shall be free to proceed further as per the advertisement but they shall not operate the panel. The said O.A. was dismissed on 5.9.2013. The Railway Board took a policy decision in respect of merger of said posts with JE (P. Way) and issued a direction vide letter dated 6.9.2013 (Annexure A-5) for cancellation/abandonment of ongoing selections for the post of Senior Permanent Supervisor against LDCE/Seniority-cum-suitability quota which are not finalized till the date of issuance of letter. It has been submitted that as the selection was not finalized till 6.9.2013, the same was cancelled in compliance of Railway Board's direction dated 6.9.2013. It has further been stated that as all the posts of Senior PW Supervisors have been merged en-bloc with JE (P.Way), thus no post of Senior PW Supervisors remains after such merger and, therefore, panels not finalized till the date of




issuance of Railway Board's order dated 6.9.2013 has to be abandoned. It has further been submitted that the selection process was already completed in the Bikaner before issuance of Railway Board letter dated 6.9.2013 and, therefore, it could not be cancelled in terms of Railway Board letter dated 6.9.2013.

4. We have heard Shri Parvej Moyal, learned counsel for the applicant and Shri Kamal Dave, learned counsel for the respondents and perused the entire facts of the case.

5. Learned counsel for the applicant contended that the respondent No.2 has wrongly cancelled the whole selection under the garb of Railway Board's letter dated 6.9.2013 as the selection process was complete and the original application challenging the selection process had also been dismissed before issuance of Railway Board's letter dated 6.9.2013.

6. Learned counsel for the respondents argued that as the selection process was not completed before issuance of Railway Board's order dated 6.9.2013, they had no option but to cancel the said selection.

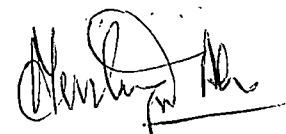


7. It is not in dispute that the Circulars and Orders issued by the Railway Board have statutory force and all the railway authorities are bound to obey such orders. It has clearly been directed by the Railway Board that ongoing selections for filling up the posts of Senior Permanent Way Supervisors against LDCE/Seniority-cum-suitability quota, which have not been finalized till the date of issue of these orders, should be cancelled/abandoned. It is evident that the selection for the post of Senior Permanent Way Supervisors was not completed till 6.9.2013 and, therefore, the respondents had no option but to cancel the said selection in terms of Railway Board's direction dated 6.9.2013. The applicant has not challenged the order of Railway Board dated 6.9.2013 and as the respondents claimed that the selection process in Bikaner had already been completed before issuance of order of Railway Board dated 6.9.2013, therefore we see no illegality if the selected candidates were sent for training by the DRM, Bikaner vide letter dated 17.10.2013 (Annexure A-7).

8. In view of above discussions, we do not find any reason to interfere with the impugned order of cancellation of selection dated 4.10.2013. Accordingly, O.A is dismissed. No order as to costs.

  
[Praveen Mahajan]

Administrative Member  
Manish/-



[Dr Murtaza Ali]  
Judicial Member

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