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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

Original Application No. 86 of 1990

R.S.Panu & others

Applicant

versus

Union of India & others

Respondents.

Hon. Mr.Justice U.C. Srivastava, V.C.

Hon.Mr. A.P. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava)

The applicants were selected for the post of Clerk grade I through competitive examination which took place in pursuance of the advertisement in which the applicants applied and the result declared on 19.7.1985. The advertisement was in respect of the post of Clerk Grade I and the Senior Clerks. As the applicants were also required to appear in the confirmation test provided in the Appendix II of the Indian Railway Establishment Manual, after their completion of probationary period. According to them, Alka Sahni, Harjeet Singh and K. Neeru Nijawan were appointed on the basis of the same examination but in which the applicants were appointed but they were allowed to change their categories in the years 1987, 1989 and 1989 respectively. The applicants approached this Tribunal before their services were actually terminated and the interim order was granted for not

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terminating their services. We have, in the case of R.K. Gupta and others vs. Union of India & others (C.A. No. 115/90, a similarly circumstanced case, held that for non passing examination the services cannot be terminated and the respondents cannot impose a condition which does not find place in the statutory rules without amending the same and the the change of category if it had not been done can also be considered for these persons and without considering this their services cannot be terminated. This judgment shall affirm our view of that judgment also.

We direct the respondents not to terminate the services of the applicants on the ground that they have failed to pass the confirmation examination and will consider the question of granting more chance for them and will also consider the prayer for change of category and will not create classes between classes.

The petition is disposed of as above without any order as to costs.

Shakeel  
Adm. Member.

Vice Chairman.

Mohd.  
Lucknow Date: July 21, 1991.