

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow this the 23rd day of Sept., 99.

O.A. No. 129/91

HON. MR.D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Gauri Shankar, aged about 23 years, son of Sri Sunder Lal Dhanuk resident of 288/116, Arya nagar, Lucknow.

Applicant.

For applicant Shri R.A. Misra.

versus

1. Union of India through Secretary to Govt. of India, Ministry of Railways, New Delhi.
2. G.M., Northern Railway, New Delhi.
3. Dy. Chief Mechanical Engineer, Carriage and Wagon Shops, Alambagh, Lucknow.

Respondents.

For applicant Shri Anil Srivastava.

O R D E R (ORAL)

BY D.C.VERMA, MEMBER(J)

Gauri Shankar has filed this O.A. for quashing of the select list dated 26.3.91 contained in Annexure -1 to the O.A. A further prayer is that the respondents be directed to hold a fresh selection for appointment to the post of Safaiwalas in the Carriage and Wagon Shop Alambagh, Lucknow in accordance with law and re-consider the case of the applicant for employment in the same establishment. The facts brought on record reveal that for filling up 24 vacancies of Safaiwalas the department asked for the names from the Employment Exchange and also notified the vacancies. The Employment Exchange sponsored the names of candidates. The applicant being son of a railway employee, his application dated 9.4.90 was forwarded by the applicant's

father to his supervisor. The applicant, alongwith others <sup>were</sup> ~~was~~ interviewed on 18.3.91, 19.3.91 and 20.3.91 by a Four Member Selection Board. A panel was prepared and list was notified vide impugned order dated 26.3.91. The name of the applicant was not in the list and she has challenged the selection process and also the selection list.

2. The main ground of challenge is that the applicant is the son of a railway employee and father of the applicant was to superannuate in the year 1991. Though the dependents of other railway employees were selected, the applicant's name was not included in the panel inspite of the fact that the retirement of the applicant's father was due in near future.

3. Heard the learned counsel for the respondents. The learned counsel for the respondents has submitted that ~~that~~ for any selection, names are asked from the Employment Exchange, However, the dependents of railway employees have been exempted from this and they can apply directly for any such vacancy. The learned counsel has also submitted that as per Railway Board Circular dated 13.1.90 no preferential treatment is to be given to any son/ward of serving or retired government employee. It is submitted that according to P.S. No. 8601 A, dated 23.9.84 only preference available to son/ward of a railway employee was that the applications may be received directly without going through the Agency of Employment Exchange.

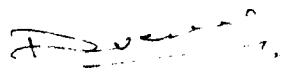
4. We have considered the grounds taken in the O.A. and have also examined other pleadings on record. Applicant's candidature was considered alongwith others and the Selection Board finally prepared the list of suitable candidates in the order of merit. The applicant's name was not included in the list. No preference could be

given to the applicant on the ground that he happens to be the son of a railway employee. Such a claim would be hit by principle of equal opportunity to all.

5. It has been mentioned in the O.A. that the names of sons and wards of some other employes ~~were~~ included in the list and the applicant has been excluded. This is no ground. Those who happen to be sons/wards of a railway employee, can compete in the merit. If selected on merit, their name has to be in the panel.

6. In view of the discussions made above, we find no merit in the O.A. The O.A. is therefore, dismissed. Costs easy.

  
MEMBER (A)

  
MEMBER (J)

Lucknow dated: 23.9.99

Shakeel/