

(A)

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 84 of 1989 (L)

Mahabir Chakravarti & 80 others Applicants.

Versus

Union of India & others Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for a direction to the respondents to appoint the applicants on the post of Khalasis from the panel of candidates framed on 22.5.1984 on the basis of observations laid down by the Hon'ble Supreme Court in its order dated 8.9.1988 (Annexure 'A-1' relaxing the bar of age).

2. In this case counter and rejoinder affidavits have been exchanged. Sri P.N. Singh for the applicant and Sri A. Srivastava for the respondents appeared and have addressed their contentions.

3. The dispute in this case is within a very limited compass.

4. Admittedly on 22.5.1984 a panel for recruitment to the post of Khalasi was prepared which included the names of the applicants. On 3.1.1985 that panel was cancelled without giving any opportunity to the applicants and before any one of the persons on the panel was given appointment. The cancellation was challenged in O.A. No. 500 of 1986 and O.A. No. 206 of 1987; both the cases were dismissed.

5. In the S.L.Ps., the matter figured before the Hon'ble Supreme Court on 8.9.1988 ~~together~~ and decided

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by the order (Annexure '1'). The petitions were dismissed. The Hon'ble Supreme Court, nevertheless, on the statement of the Additional Solicitor General, directed that the bar of age would not be raised against any of the petitioners at the time of preparation of fresh panel and that the concession would operate in respect of two consecutive advertisements for employment.

6. On 8.9.1989 the respondents issued an advertisement annexed to the applicants' application dated 25.9.1989. That advertisement contemplates preparation of a panel for 150 vacant posts of Khalasi in the scale of Rs.750-940.

7. The claim of the applicants is that all the persons, who were included in the panel on 22.5.1984, may be brought on the contemplated panel. This is not possible. The preparation of panel is an independent activity and has to be done in accordance with the applicable rules, criteria and instructions as may govern the formation of a panel. The only relaxation in this regard is the one specified by the Hon'ble Supreme Court in the judgment dated 8.9.1988 (Annexure '1') viz. relaxation of age.

8. The learned counsel for the applicant urged that all the applicants are dependants or sons of the sitting employees of the Railways and that in accordance with P.S. 8904 of 16/19.10.1987 they ought to be brought on the panel. The learned counsel for the respondents points out that in the advertisement dated 8.9.1989 provision has already been made for relaxation of the age. We also noticed that in para 2 of this advertisement applications have been invited specifically from that category of persons who are sons or dependants of the working employees of the Railways. We do not think that any further direction in this connection is required from this Tribunal.

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9. There is no other point involved in this case. The petition is, therefore, disposed of with the direction that the respondents may proceed to form the panel in furtherance of the advertisement dated 8.9.1989 bearing in mind the observations of the Hon'ble Supreme Court as also the applicable provisions in respect of sons and dependants of the working Railway employees. The interim order is vacated.

A copy of this order may be given to the learned counsel for the parties within 24 hours.

MR. Chawla

PR

MEMBER (A).

VICE-CHAIRMAN.

Dated: February 2, 1990.

PG.