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CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH,

LUCKNOW.

T.L.No.85/92

in

O.A.no.246/87

Today, the 15th day of September, 1995.

HON'BLE MR.JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.
HON'BLE MR. V.K. SETH, ADMINISTRATIVE MEMBER.

Ajit Kumar Banerjee,
S/o. late Sri K.D.Banerjee,
Chief Design Assistant,
Research Mechanical-
Drawing office, RDSO,
r/o. B/639, Rajaji Puram,
Avas Vikas,
Talkatora, Lucknow.

::::: Applicant

ADVOCATE SRI AMIT BOSE

V E R S U S

1. Director General,
R.D.S.O.,
Manak Nagar, Lucknow.

2. Sri A.K.Ram,
S/o. Late Sri R.B.Ram,
r/o. A-58/A Railway Colony,
Alambagh,
Lucknow. :::::: Respondents

BY ADVOCATE SRI A.V.SRIVASTAVA
(for official respondents)

BY ADVOCATE SRI BRIJESH KUMAR
(for Private respondent)

O R D E R.

JUSTICE B.C.SAKSENA, VICE-CHAIRMAN.

Through this O.A. the applicant had challenged an order dated 21-10-1986 (Annexure A-5) cancelling the panel, for the post of Senior Design Assistant on the Mechanical Wing of the R.D.S.O., formed as a

result of the departmental selection held on 25th & 26th June, 1986. He has also challenged the order dated 21-10-1986 reverting the applicant to the post of D/man 'A' as a consequence of the cancellation of the panel for the post of S.D.'A'. The panel, according to the respondents, had been cancelled when it came to light that the Selection Committee had not been properly constituted. It has been indicated that the Selection Committee had not been constituted according to the ~~Railway~~ Board's letter dated 19/2/87. It further appears, from the additional written statement filed by the respondents, that with a view to conduct fresh selection for the said post, a fresh staff notice had been issued. It has also been indicated, in the mean time, Railwlay Board's letter dated 19-2-87 was received and as per the provisions of the said letter the applicant was not found eligible for selection for the post of Chief Design Assistant. It has further been indicated, referring to the interim order dated 24-6-87 passed by this Tribunal, that the applicant was permitted to appear at the fresh selection, but the applicant did not avail of the opportunity so granted, and made a representation dated 13/7/87. In view of the change in the 'roster point for reservation', respondent No.2 was selected and appointed.

2. The cancellation of the selection held in June, 1986 cannot be said to be illegal. The Selection Board, clearly, had not been constituted as per the Railwlay Board's letter dated 19/2/87. Since the

applicant did not avail of the opportunity to appear at the fresh selection and expressed his unwillingness to appear at the selection, this T.A. is to be dismissed and it is accordingly dismissed. Parties to bear their own costs.

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MEMBER(A)

B.S. Jackson
VICE-CHAIRMAN.