

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NExWxExExEx

NEW BOMBAY BENCH

O.A. No. 198 -
T.A. No. 644/87 -

Application Stamp No. 645 of 1987.

DATE OF DECISION 14.10.1987

Shri Kevalprasad Varma & Petitioner's
eight others.

Mr. G.S. Walia Advocate for the Petitioner(s)

Versus

Union of India & two others Respondent
Western Railway, Churchgate, Bombay-20

- Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. P. Srinivasan, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? - Yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
ORIGINAL APPL.No.644/87.
Application Stamp No.645/87

1. Kevalprasad Varma.
2. Ramesh Mahadeo Jadhav.
3. Urbadutta Pandey.
4. Hoorelal K. Yadav.
5. Vijay R. Yadav.
6. Mahesh Trikambad.
7. Lalmani J. Saroj.
8. Sanjay Y. Bhosle.
9. A.V.Chavan.
C/o. Shri G.S.Walia,
Advocate High Court,
89/10, Western Railway
Employees Colony,
Matunga Road,
Bombay - 400 019.

... Applicants

v/s

1. Union of India through
General Manager,
Western Railway,
Churchgate,
Bombay-20.
2. General Manager,
Western Railway,
Churchgate,
Bombay-20.
3. Dy.Controller of Stores,
Western Railway,
Mahalaxmi Stores Depot,
Bombay.

... Respondents.

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil.
Hon'ble Member (A) Shri P.Srinivasan.

ORAL JUDGMENT

Dated: 14.10.1987

(Per: Shri B.C.Gadgil, Hon'ble Vice-Chairman)

Heard Mr.Walia for the applicants and Mr.L.J.
D'silva, Office Superintendent (E) and Mr.B.D.Kamble,
Assistant Controller of Stores, Mahalaxmi, Western Railway.
Two grievances have been made in this application. It is
contended that the applicants were working as Lower Division
Clerks on ad hoc basis for more than 18 months and that in
accordance with standing instructions the Railway administra-
tion such persons are entitled to be taken up as regular LDCs.
Mr.Kamble did not challenge this legal position. He, however,

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states that none of these persons had worked as Lower Division Clerk and Mr.Walia, on instruction from his client, is not able to challenge this factual statement. Thus, there is no substance in the claim for a regular appointment on the basis of alleged ad hoc working as LDC. The selection process requires to grant marks on a written test. In addition, marks on the basis of seniority are also to be allowed. The contention of the applicants is that such seniority marks are not allowed to the applicants and that therefore the process of selection is vitiated. Mr.Kamble showed us records about such selection. It is clear from the records that in addition to the marks on the basis of written test, authorities have also allowed marks on the seniority basis and thereafter a decision was taken as to whether a particular candidate is entitled to be called for viva voce test. All the applicants have not secured minimum number of marks (inclusive of seniority marks) which would enable them to be called for interview.

2. In view of this position, we do not think that there is any valid grievance of the applicants when they contend that the selection process is vitiated. The application is liable to be summarily rejected and accordingly we reject it. The records that have been shown to us have been returned to Mr.Kamble.

3. No order as to cost.


(B.C.GADGIL)
VICE-CHAIRMAN


(P.SRINIVASAN)
MEMBER(A)