

(2)

CAT/11/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXX~~ ~~XXXXXX~~
NEW BOMBAY BENCH

O.A. No. 280/89
~~XXXXXX~~

198

DATE OF DECISION 14.6.1989

Rajaram Matabadal and another Petitioners

Shri K.R.Jagtap Advocate for the Petitioner(s)

Versus

Union of India and others Respondent s

Shri N.K.Srinivasan Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.M.B.Mujumdar, Member (J)

The Hon'ble Mr.P.S.Chaudhuri, 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? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(3)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.NO. 280/89

1. Rajaram Matabadal
2. Prakash Mohanbhai Patel

C/o Shri K.R.Jagtap,
96/45 B&D Chawal,
Gandhi Maidan,
Bombay 400 018.

... Applicants

V/s.

1. Union of India, through
General Manager, Western Rly.,
Churchgate, Bombay 400 020.
2. Chief Personnel Officer,
Western Railway, Headquarter
Office, Churchgate, Bombay-20.
3. Shri M.N.Surti, Senior Personnel
Officer (RP), W.Rly., Headquarter
Office, Churchgate, Bombay 20. ... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances :

Shri K.R.Jagtap
Advocate
for the Applicants

Shri N.K.Srinivasan
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 14.6.1989

(PER: M.B.Mujumdar, Member (J))

Heard Mr. K.R.Jagtap, learned advocate for the applicants and Mr.N.K.Srinivasan, learned advocate for the respondents.

2. By our order dated 5.4.1989 we had issued notices to the respondents regarding admission. Today the respondents have filed their brief reply opposing admission.

3. The applicants have made two prayers in the application. The first prayer is for directing the respondents to do screening/selections out of the applications received by the respondents, and the second prayer is for directing the respondents that no action be taken to appoint the SC/ST candidates, if received from Railway Recruitment Boards, Bombay/Ahmedabad/Ajmer, in Railway Services as they are not the selected candidates.

4. The misunderstanding has arisen because of the letter dated 14.12.1988 from Chief Personnel Officer of the Western Railway at Annexure 'A' to the application. But we find that that letter was issued without consulting the Railway Recruitment Boards. Now, the respondents have stated in para 6 of the reply that the Railway Recruitment Boards have assured supply of an adequate number of SC/ST candidates and hence no further action to conduct recruitment under General Manager's special powers is warranted. In our view, the General Manager will have powers to fill up short-falls only in the eventuality that the Railway Recruitment Boards inform him of their inability to supply names of SC/ST candidates.

5. In view of this position, the present application is mis-conceived and devoid of merits. We cannot give directions to the respondents as prayed for. Hence, the application is rejected summarily under Section 19 (3) of the Administrative Tribunals Act, 1985 with no orders as to costs.



(P.S. Chaudhuri)
Member (A)



(M.B. Mujumdar)
Member (J)