

ORIGINAL APPLICATION NO.1128/96

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No.1128/96

Dated this, , the 18th the day of December, 2001.

CORAM: HON'BLE SHRI S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE SHRI S.L.JAIN, MEMBER (J)

1. Shri Bhargav Bhagwan Apte,
Announcer under DRM (C)/MBCST
R/o: Venubai Bhoir Chawl,
X Kopar Road, Near Old Rationing
shop, Dombivli (W), 421 202.
2. Shri Bhaskar Laxman Dehade,
Announcer, under D.R.M. (C)/MBCST,
R/o: Krantiveer Phule Nagar,
At Post Tal. Igatpuri, Dist. Nasik,
Pin 422 403.
3. Shri Pralhad Natu Gosavi,
Announcer, under DRM (C)/MBCST,
R/o Gadge Nagar, Room No.1174,
Ambarnath (W).
4. Shri Dilip Pandurang Shelar,
Announcer, Under DRM (C)/MBCST.
R/o Shelar Bhagwan, Gimmy Bldg.,
Maratha Kolsewadi, Near Vithal
Mandir, Kalyan (E).
5. Ravindra Namdeo Tarlekar,
Announcer, Under DRM (C)/MBCST.
R/o Fulore Chawl, Patil Pada,
Kulgaon, Badlapur, Dist. Thane.
6. Manoj Vithal Khanolkar,
Announcer, under D.R.M. (C)/MBCST,
R/o 4-Dharma Bhuvan, Jadhavwadi
M.Phule Road, Vishnu Nagar,
Dombivli (W).
7. Chandrakant Bhimrao Ghodke,
Announcer, under DRM (C)/MBCST.
R/o ;New Bhendipada, Ambarnath,
Room No.1952-F-Ambarnath (W).
8. Shri Dilip Raghunathsingh Pardeshi,
Announcer, under DRM (C)/MBCST,
R/o Plot No.13, Brahmin Society,
Murbad Road, Kalyan, Dist. Thane.
9. Shri Bhimrao Namdeo Patait,
Announcer, Under DRM (C)/MBCST.
R/o: Sanjay Nagar, Mumbra,
Near MEK Co., Behind Durga Hotel,
Vishnu Seth Chawl, Thane Panvel
Road, Mumbra.

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10. Shri Sunil Yashwant Shriram,
Announcer, under DRM (C)/MBCST,
R/o: HWM 68-315, Chunabhatti,
Santa Cruz (W), Chavan Chawl.

11. Shri Vellakutti Murlidharan,
Announcer, under DRM (C)/MBCST
R/o 'A' Block 362/724, Kurla Camp,
Ulhasnagar 421004.

12. Shri Anand Pandurang More,
Announcer, under DRM (C)/MBCST
R/o Behind Bharat Petroleum
Chembur (W).

.... Applicants

(Applicants by Shri K.B. Talreja, Advocate)

vs.

1. Union of India through
the General Manager,
Central Railway, MBCST,
Mumbai 400 001.
2. Chief Commercial Manager (G)
Central Railway, MBCST,
Mumbai 400 001.
3. Divisional Railway Manager,
Central Railway, MBCST,
Mumbai 400 001.
4. Shri M.R. Wagh,
Commercial Clerk, under
DRM (C)/Mumbai CST.
5. Sandhya B. Chaudhary,
Commercial Clerk, under
DRM (C)/Bhusawal/under G.M.MBCST
6. Smt. Sushila Mishra,
Commercial Clerk, under
DRM(C)
Bhopal/under G.M. MBCST.
7. Kum.Surekha Biwalkar,
Commercial Clerk, under DRM (C)
Bhopal/under G.M.MBCST.
8. Miss. Sarla Nair,
Commercial Clerk, under Bhopal
Division/under G.M. MBCST.
9. Shri D. Mansoor Khaja Ahmed,
Mobile Booking Clerk,
under D.R.M.(C)/MBCST.
10. Shri R.B. Vastava,
Mobile Booking clerk
under D.R.M (C)/MBCST.

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11. Shri Shaikh M.A. Gulab.
Mobile Booking Clerk,
under D.R.M. (C)/MBCST.

12. Shri B.D.Tripathi,
Mobile Booking Clerk,
under D.R.M.(C)/MBCST.

13. Miss Kalpana Shahane,
Mobile Booking Clerk,
under D.R.M. (C)/MBCST

14. S.A.Shakil,
Mobile Booking Clerk,
under D.R.M. (C)/MBCST.

15. Shri M.B.Baraskar,
Mobile Booking Clerk,
under D.R.M. (C)/MBCST.

16. D.A.Sualkar,
Mobile Booking Clerk,
under D.R.M. (C)/MBCST.

(Respondents by Shri S.C.Dhawan, Advocate)

..... Respondents.

O R D E R

[Per: S.R. Adige, Vice Chairman (A)]

Applicants impugn Gazette Notification (Annexure I) whereby private respondents No.4 to 16 have been regularised, as Commercial Clerks and seek direction to respondents to absorb them also as Ticket Collectors/Commercial Clerks in the same manner as has been done in the case of private respondents 4 to 16.

2. Heard both sides.

3. Official respondents in para 11 of their reply have clearly and categorically stated that regular selections were held for empanelment/absorption as Commercial Clerks, in which, while private respondents Nos. 4 to 16 applied, participated and were empanelled/absorbed, applicants did not even apply and could not, therefore be absorbed as Commercial Clerks.

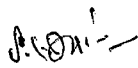
4. These specific and categorical averments of official respondents have not been denied by applicant in the

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corresponding paragraphs of their rejoinder. Applicants were required to apply for and participate in the selections held by respondents, for empanelment/absorption to the post of Commercial Clerks/Mobile Booking Clerks, but nothing has been shown to us to establish that applicants did apply for, and participate in the aforementioned selections. Merely because applicants were screened and selected as Announcers gives them no enforceable legal right to be absorbed as Commercial Clerks/Mobile Booking Clerks without them actually participating in the selection held for this purpose.

5. Under the circumstances all that can be done for applicants at this stage, is that when respondents are next making selections for filling up vacancies of Commercial Clerks/Mobile Booking Clerks, and applicants apply for the same, their claims should be processed in accordance with rules and instructions on the subject.

6. This O.A. is disposed of in terms of paragraph No.5 above. No costs.


(S.L.Jain)
Member(J)


(S.R. Adige)
Vice Chairman (A)

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