

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this Friday the 22nd February, 2002

Coram: Hon'ble Mr. Justice Ashok Agarwal - Chairman
 Hon'ble Mrs. Shanta Shastry - Member (A)

O.A. 13 OF 1996

F.R. Pawar,
Senior Commercial Inspector
(Inquiry),
Central Railway, Bhusawal.
R/o Block No.4, Plot No.448.01,
Chaitraban Colony, Jalgaon,
District Jalgaon.
(By Advocate Shri K.B. Talreja) - Applicant

Versus

1. Union of India
 through the General Manager,
 Central Railway, Bombay V.T.
2. Divisional Railway Manager,
 Central Railway, Bhusawal.
3. A.M. Patil
4. P.A. Suryavanshi
5. P.G. Deo
6. U.M. Baviskar
7. R.R. Tiwari
8. P.D. Patil
9. C.B. Wani
10. P.E. Zope
11. S.D. Kurambhetti
12. Sk. Raheman Sk. Munir
13. Sk. Gulab Sk. Kasam
14. P.V. Vargis
15. S.C. Deshpande
16. Sk. Shabbir Khan
17. S.Z. Sonwane

18. P.B.Surwade

19. S.N.Sonwane
C/o Divisional Railway Manager,
Central Railway, Bhusawal,
District Jalgaon.
(By Advocate Shri V.S.Masurkar)

ORAL ORDER

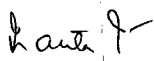
By Hon'ble Mrs.Shanta Shastry, Member (A) -

The applicant in this OA has challenged his non-selection to the post of Commercial Clerk/Inspector in the Grade of Rs.2000-3200/-. The respondents had issued a circular on 13.12.1994 deciding to hold selection of Commercial Clerk/Inspector and to ^{form} hold a panel for 17 posts in the grade of Rs.2000-3200/-. 14 of the posts were reserved for General category and three for Scheduled Caste candidates. A written test was fixed for 7.1.1995 and a supplementary test on 15.1.1995. The applicant appeared in the written test. He also appeared in the viva voce after qualifying in the written test. According to the respondents the applicant cleared the viva voce test also. However, since there were only 14 vacancies for the General category and there were other senior candidates above the applicant, the applicant could not be placed in the Select Panel for one of the ¹⁴ ~~further~~ vacancies.

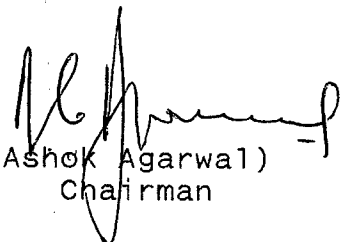
2. The applicant in his OA has taken a ground that the selection is vitiated because the respondents did not assess the vacancies properly. According to the applicant there were 34 vacancies. However, the respondents having failed to assess the vacancies properly, could not have denied the applicant the

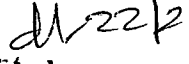
chance of promotion. The applicant had made representations on 7.4.1995, followed by 10.4.1995 and a further representation on 8.5.1995. The respondents replied to his representations on 26.4.1995, 1.6.1995, 5.9.1995 stating that the applicant's appeal had been examined carefully and that he was advised that there is no procedural lacuna in the selection proceedings as pointed out by him. It was further mentioned that no junior person had been placed on the panel. The respondents therefore contend that since none junior to the applicant were placed in the panel he has no case. Further the applicant represented after having participated in the selection for the first time on 7.4.1995. Even in his rejoinder he did not make out any case that there were 34 vacancies. Therefore, the applicant cannot now challenge the selection having taken the chance of participating in the selection.

3. We have noted that the applicant was fully aware that the respondents had declared 17 vacancies, 14 of them being for the General category. The applicant should have been challenged the assessment of the number of vacancies by the respondents immediately on receipt of the Notification but instead he participated in the selection and having failed to get his name included in the panel as an afterthought has now come out with the ground that the vacancies were not assessed properly. In our considered view the OA has no merit and is accordingly dismissed without any order as to costs. The Misc.Petition 688/96 also stands disposed of.


(Shanta Shastri)
Member (A)

mb


(Ashok Agarwal)
Chairman


Order/Judgement despatched
to Appellant/Respondent (s)
on 15/3/02

