

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:516/96

DATE OF DECISION:19.11.2001

Shri Vinod Diwakar Menon

Applicant.

Advocate for
Applicant.

VerSES

Union of India and others

Respondents.

Shri R.R. Shetty

Advocate for
Respondents

CORAM

Hon'ble Shri S.L.Jain, Member(J)

Hon'ble Smt. Shanta Shastray, Member(A)

(1) To be referred to the Reporter or not? N6

(2) Whether it needs to be circulated to No.
other Benches of the Tribunal?

(3) Library. Yes

S.L.Jain
(S.L.Jain)
Member(J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:516.96

MONDAY the 19th day of NOVEMBER 2001

CORAM: Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt. Shanta Shastry, Member (A)

Vinod Diwakar Menon
Residing at 547,
Patil House,
Datta Pada Cross Rd. No.1
Borivali (E), Bombay.

...Applicant

V/s

1. Union of India through
General Manager,
Central Railway,
Bombay V.T.
2. Chief Personnel Officer
(Comm1),
Central Railway, Bombay VT. ...Respondents.

By Advocate Shri R.R. Shetty.

O R D E R

{Per S.L. Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act 1985 for the declaration that the selection and empanelment of the Applicant made by the selection committee is legal valid and proper, the applicant is a regular employee of the Railway Administration and he is eligible to apply for the selection of Commercial Clerk / Ticket Collector. A direction is sought to the respondents to appoint the applicant as Commercial Clerk / Ticket Collector etc. and to send for training as required.

2. The applicant in para 4.1 of the OA has claimed that he was regularly appointed as Mechancial Signal Maintainer on 31.8.1987 in the Grade of Rs. 950 - 1500 under the supervision of

ASy

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Chief Signal Inspector (C) at Thane. The applicant has not placed on record the appointment order and the said fact has been denied by the respondents. The respondents have relied^{on} para 2 of which is the representation of the applicant which is as under:

"I was appointed in Central Railway as a Casual Mechanical Signal Maintainer on 31.8.1987, then after completion of 360 days I was given Temporary Status on 28.8.1988 and till date I am in the same Status (Temporary) inspite of having all the benefits and facilities of permanent employee, I and several others have not been made permanent by the Railway Administration."

3. Thus even the admission of the applicant himself clearly makes that his averments in para 4.1 of the OA is not truthful one.

4. The applicant was selected and empanelled in General Departmental Competitive Examination (GICE) - NTPC to fill up the 25% of Group 'C' Direct Recruitment vacancies of Ticket Collectors and Commercial Clerks. The eligibility criteria is as under:

All the regular employees possessing the prescribed essential qualification for direct recruitment shall be eligible to appear irrespective of grade and cadre.

5. Perusal of the same makes it clear that eligibility is with respect to all the regular employees, applicant being not a regular employee the action of the respondents cannot be faulted.

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6. In the result we do not find any merit in the OA, it is liable to be dismissed and is dismissed accordingly with no order as to costs.

Shanta Shastray

(Smt. Shanta Shastray)
Member(A)

S.L.Jain

(S.L.Jain)
Member(J)

NS