

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO. . . 125 of 2000.

Dated this Monday, the 11th day of September, 2000.

Mandijval Kanalchandra, Applicant.

None present. Advocate for the applicant.

VERSUS

Union of India & Another, Respondents.

Shri V. S. Masurkar, Advocate for the respondents.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

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

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library.

No

B. N. BAHADUR  
MEMBER (A).

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Mandijval Kanalchandra,  
H.No. 709/53, Shivilal's chawl,  
Kabir Chowk, Sabarmati,  
Ahmedabad, Gujarat.

... Applicant.

(None for the applicant).

VERSUS

1. Union of India through  
The Secretary,  
Railway Board,  
Ministry of Railways,  
Rail Bhavan,  
New Delhi.

2. The Chairman,  
Railway Recruitment Board,  
O/o. the R.R.B., W. Rly.,  
Divisional Office Compound,  
Mumbai.

... Respondents.

(By Advocate Shri V. S. Masurkar)

OPEN COURT ORDER

PER : Shri B. N. Bahadur, Member (A).

There is none present for the applicant. Shri V. S. Masurkar present on behalf of respondents and states that as pointed out last time, the reply has also been served on the applicant. It is seen from Roznama that the applicant has not appeared either personally or through counsel on any date, after initial appearance on 25.02.2000. Under the circumstances, this case is being considered on the basis of the pleadings made by the applicant etc. and is being disposed of on merits.

*B.N.B.*

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2. The Applicant comes up to this Tribunal with the grievance that he was not included in the panel through which selection was made to the post of Assistant Drivers by the Respondents. The Applicant herein had made an application for being considered to this post, and had duly appeared at the selection process. The applicant contends that the selection was not conducted strictly as per rules, and the number of vacancies was changed. This creates doubts in the mind of the people like the applicant, he avers.

3. The Applicant also states that after appearing for the written test on 28.03.1999, he appeared for the Psychological test on 25.05.1999 and that he had performed very well in both these examinations/test. These are the core facts and averments presented by the Applicant.

4. The Learned Counsel for the Respondents, Shri V. S. Masurkar, argued the case taking support of the written statement filed by the Respondents. This statement is available on file and gives a detailed account of the facts of the case and the averments on behalf of the respondents, and has been seen by us.

5. The first point made herein relates to the number of vacancies. It is stated that before the date of the examination, the number of vacancies was enhanced in view of requirements indicated by the Railway Administration and that this change, does not affect the Applicant adversely. Infact, it enhances his chances. The important point argued is that the change was made before the Written Test was conducted, and this is well within legal propriety as per the settled principles of law. It is also stated that the applicant could not be selected in view of his performance.

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6. We have carefully considered the application, the grounds taken and the facts of the case. In the first place, there is no legal or other infirmity in the action in enhancing the number of posts available. It is not at all clear as to how the applicant is adversely affected. In fact, if at all, his chances enhance. <sup>also Pnb</sup> It is noted that this was done before the examination date.

7. The other fact is simple, in that, the Applicant has not succeeded in the selection process conducted by a competent authority; his mere statement that he had performed excellently, cannot be the basis for his selection. He has appeared and failed and his action in subsequently coming up with this grievance is weak, as per settled law.

8. It is clear that the applicant has no case and that his application deserves to be rejected. The O.A. is, therefore, dismissed with no orders as to costs.

*S. L. Jain*  
(S. L. JAIN)  
MEMBER (J).

*B. N. Bahadur*  
(B. N. BAHAJUR)  
MEMBER (A).

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