

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH BANGALORE

DATED THIS THE 5th DECEMBER 1986

PRESENT: HON'BLE SHRI JUSTICE K.S.PUTTASWAMY, VICE-CHAIRMAN

HON'BLE SHRI L.H.A. REGO,

MEMBER (A)

APPLICATION NO. 889 OF 1986

Sri S. Nanjegowda,
S/o Sri Shivanna,
aged about 25 years,
No. 2847/9A, Jayavilas,
2nd Main, Jayanagar,
MYSORE - 14.

Applicant

(Shri C.B. Srinivasan, Advocate)

1. Union of India,
Department of Railways,
New Delhi.
2. Central Railway Board,
Represented by its
Chairman, New Delhi.
3. Railway Service Commission,
No.29, St. Johns Church Road,
Bangalore-560 005, by its
Chairman

Respondents

(Shri M. Sreerangaiah, Advocate)

This application has come up for hearing before
this Tribunal to-day, Vice-Chairman, made the following:

O R D E R

Case called on more than one occasion in the
pre-lunch and post lunch session. On every occasion,
the applicant and his learned counsel are absent.
We have perused the records and heard Sri M.Srirangaiah,
learned counsel for the respondents.

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In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act of 1985 ('the Act') the applicant has challenged the vir^us of a large number of recruitment Rules to the posts of Assistant Station Masters, Guards, Train Clerks, Ticket Collectors, Commercial Clerks and Office Clerks in the Indian Railways and has sought for a direction to the respondents to appoint him to any one of those posts for which he had appeared for a written and viva-voce examination held thereto by the Railway Public Service Commission (RPSC).


In their statement of objections the respondents have asserted that the applicant was not successful for selection to the post of ASM and that his merit to other posts did not entitle him for a selection and appointment. We have no reason to disbelieve either of these assertions made by the respondents.


Every one of the grounds^s urged by the applicant to invalidate the recruitment Rules framed by the competent authority, are without any merit and calls for their rejection.

When the applicant had failed in the examination held for the post of ASM, he cannot ask for a direction to appoint him to that post. Hence his claim for post of ASM is liable to be rejected.

As regards the claim of the applicant for other posts, his merit did not enable the respondents to appoint him to any one of them; Hence, the other claim of the applicant also cannot be upheld.

On the foregoing discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.


(K.S. PUTTASWAMY)
VICE-CHAIRMAN
5.12.1986


(L.H.A. REGO) 5.12.80
MEMBER (A)
5.12.1986