

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
* * *

(6)

1. T.A. No.241/86
(W.P. 1553/85)

Date of decision 14-2-1991.

Shri A.G. Bodhani

...Applicant

Shri G.S. Walia

...Counsel for the Applicant

Vs.
Union of India and
Rly. Recruitment Board

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

2. T.A. No.287/86
(W.P. 1590/86)

Shri Sarfaraz Baig

...Applicant

Shri G.S. Walia

...Counsel for the Applicant

Vs.
Union of India and
Rly. Recruitment Board

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

3. O.A. No.208/86

Shri Jehangeer Khan & Others

...Applicants

Shri D.V. Gangal

...Counsel for the Applicants

Vs.
Union of India and
Central Railway

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

4. O.A. No.56/87

Smt. Jayashree A. Chitra

...Applicant

Shri G.S. Walia

...Counsel for the Applicant

Vs.
Union of India and
Central Railway

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

5. O.A. No.69/87

Kumari Beena Vasudevan

Shri G.D. Samant

Vs.
Union of India and
Rly. Recruitment Board

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

6. O.A. 177/87

Kumari Lata Nathan

Shri S.Natarajan

Vs.
Union of India and
Rly. Recruitment Board

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

...Counsel for the Respondent

7. O.A. No.273/87

Kumari Leela Kannan

Shri G.D. Samant

Vs.
Union of India and
Rly. Recruitment Board

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

...Counsel for the Respondent

8. O.A. No.424/87

Kumari Aruna Cheuresia

Shri D.J. Gangal

Vs.
Union of India and
Rly. Recruitment Board

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

...Counsel for the Respondent

9. O.A. No.516/87

Shri Shaikh S. Ahmed

Shri G.D. Samant

Vs.
Union of India and
Rly. Recruitment Board

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

...Counsel for the Respondent

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10. O.A. No.517/87

Shri V.B. Chaudhary

...Applicant

Shri G.D. Samant

...Counsel for the Applicant

Union^{Vs} of India and
Rly. Recruitment Board

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

11. O.A. No.573/87

Shri S.M.A. Samed

...Applicant

Shri G.D. Samant

...Counsel for the Applicant

Union^{Vs} of India and
Rly. Recruitment Board

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

12. O.A. No.700/87

Miss Mercy K.V. & Another

...Applicants

Shri G.D. Samant

...Counsel for the Applicants

^{Vs.}
Union of India and
Central Railway

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

13. O.A. No.717/87

Shri V.K. Khare & Others

...Applicants

Shri D.V. Gangal

...Counsel for the Applicants

^{Vs.}
Union of India and
Central Railway

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

14. O.A. No.718/87

Shri Y.N. Pandey

...Applicant

Shri D.V. Gangal

...Counsel for the Applicant

^{Vs.}
Union of India and
Central Railway

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

15. O.A. No.731/87

Shri M.S. Qureshi

Shri D.V. Gangal

Vs.
Union of India and
Central Railway

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

...Counsel for the Respondent

16. O.A. No.801/87

Shri Anand Kishorilal & Ors.

Shri D.V. Gangal

Vs.
Union of India and
Central Railway

Shri P.M.A. Nair

...Applicants

...Counsel for the Applicants

...Respondent

...Counsel for the Respondent

17. O.A. No.121/88

Shri M.S. Zha

Shri D.V. Gangal

Vs.
Union of India and
Central Railway

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

...Counsel for the Respondent

18. O.A. No.701/88

Shri M.J. Rawadka

Shri G.D. Samant

Vs.
Union of India and
Rly. Recruitment Board

Shri P.M.A. Nair

...Applicant

...Counsel for the Applicant

...Respondent

...Counsel for the Respondent

19. O.A. No.276/89

Shri Zaheer Hussain & Ors.

Shri D.V. Gangal

Vs.
Union of India and
Rly. Recruitment Board

Shri P.M.A. Nair

...Applicants

...Counsel for the Applicants

...Respondent

...Counsel for the Respondent

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20. O.A. No. 451/89

Ms. Neelam J. Jaysinghani

...Applicant

Shri G.K. Masand

...Counsel for the Applicant

Vs.

Union of India and
Rly. Recruitment Board

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

21. O.A. 56/90

Smt. M.M. Malpekar

...Applicant

Shri G.D. Samant

...Counsel for the Applicant

Vs.

Union of India and
Rly. Recruitment Board

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent

22. O.A. 230/90

Kumari Anuradha Saxena

...Applicant

Shri D.V. Gangal

...Counsel for the Applicant

Vs.

Union of India and
Central Railway

...Respondent

Shri P.M.A. Nair

...Counsel for the Respondent.

CORAM

HON'BLE MR. M.Y. BRIOLKAR, ADMINISTRATIVE MEMBER

HON'BLE MR. J.P. SHARMA, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

⑪
DATE OF DECISION 14-2-91

JUDGEMENT

(DELIVERED BY MR. J.P. SHARMA, HON'BLE MEMBER (J)).

The applicant(s)/petitioner(s) in this application under section 19 of the Administrative Tribunals Act, 1985 assails their non-appointment by the respondent No.1 Union of India on the basis of examination conducted by Railway Recruitment Board, Respondent No.2 for being appointed to various posts in the Western Railways/Central Railway under their General Manager Respondent No.3. The relief claimed by the applicants almost in all the cases is the same that the applicant(s)/petitioner(s), be ordered to be appointed by the Respondents to the post of ASM or any of the other posts for which he/she has given option in their application forms submitted to Respondent No2, i.e. ^{for} Ticket Collector (TC) Clerks etc.

2. The brief facts of the case are that the Respondent No.2 published an advertisement in local Newspaper at Bombay and Railway Gazette (i.e. September, 1980) under Employment Notice No.2/80-81 and thereby invited applications for category No.25, which included the following category of posts for Central and Western Railways:

- a) Probationary Assistant Station Master,
- b) Guard,
- c) Commercial Clerks,
- d) Telegraph Signallers,
- e) Ticket Collectors,
- f) Train Clerks, and
- g) Office Clerks.

The applicants appeared in the written test on or about 21st June, 1981 and answered almost all the questions quite well and the call letter has been annexed to the application (marked as Ex. 'A' or 'B'). After the applicant(s) was/were declared successful they were called for an interview (call letter Ex. B or C) for which they appeared on 16.2.1982. Some of the applicants as the case may be were called also

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to appear before a psychological test board for the category of A.S.M. ~~As~~ The said test was held only for A.S.M., Signallers and Guards and not for other posts. It is also stated that only those candidates who obtained relatively higher marks are called for a psychological test. The respondents No.2 have displayed a notice dt. 25.10.1983 on their notice board intimating that the candidates should not make inquiries with regard to the results as there were some administrative reasons for which the full results were not being declared and the copy of the said order has been enclosed (Ex. D). It was learnt later on that some investigations with regard to selection conducted by the Railway Recruitment Board was in progress and on completion of the same the appointment order may be issued, but that was not done though the applicant(s)/Petitioner(s) were in no way involved in malpractices, if any. It has been further stated by the applicant(s)/petitioner(s) that a psychological test for the categories of ASM, Guards etc. is only taken for those who have passed both in written, as well as interview and those who fail in the psychological test are to be accommodated in other categories (Railway Board's letter No.E(NG)III-76/RCI-16 dt. 10.11.1976, and No.E(NG)III 79 RSC/63 dt. 23.11.1979). When the applicant(s)/Petitioner(s) did not get any appointment they moved the High Court/Tribunal for the reliefs quoted above.

3. Since in all these above named 22 cases same and similar facts have been alleged and the respondents are almost the same excepting R-3 wherein some