

(05)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Original Application No.1096/92.

Shri C.M.Mallappa.

..... Applicant.

V/s.

Union of India & Ors.

..... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Ms. Usha Savara, Member(A).

Appearances:-

Applicant by Shwi G.S.Walia.

Respondents by Shri J.G.Sawant.

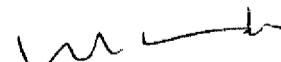
Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 18.6.1993.

Heard Shri Walia for the applicant and Shri J.G. Sawant for the Respondents.

2. The only question which arises for consideration is whether the order dt. 3.10.1992 by which the empanelment of the applicant was cancelled and Respondent No.3 was to be considered should stand. Shri Walia has pointed out to us that under Clause I which appears at Chapter 63 of the Indian Railway Establishment Manual Vol. I, the panel once approved could be rectified only after the approval of the authority next higher than the that approved panel was obtained and this was not done in the present case. Shri Walia contends that R-3 had not produced any certificates about his being a member of the Scheduled Caste when the panel was being considered, but in view of the service card which has been filed by the Respondents, it is apparent that the R-3 was shown as belonging to a

.....2.



Scheduled Caste. We would therefore, set aside the order (at Exhibit 'A') on 3.10.1992 and direct the respondents to take action after considering the relative merits of the applicant and R-3. The Respondents would be free to take a decision in the matter with the approval of the authority higher than the one which has approved the panel initially. We make it clear that no rights will be deemed to have been created in favour of the applicant until such a decision is taken by the respondents. The application is disposed of with no order as to costs.

b. Savara
(USHA SAVARA)
MEMBER(A)


(M.S. DESHPANDE)
VICE-CHAIRMAN

B.