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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1117/94

Transfer Application No:

DATE OF DECISION: 30.1.1995

Shri P.K.Choubey _____ Petitioner

Shri G.S.Walia _____ Advocate for the Petitioner

Versus

Union of India & Ors. _____ Respondent


Shri V.G.Rege _____ Advocate for the Respondent(s)

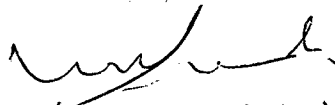
CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

1. To be referred to the Reporter or not ? _____
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

GA.NO. 1117/94

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Shri Pradip Kumar Choubey ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri G.S.Walia
Advocate
for the Applicant

Shri V.G.Rege
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 30.1.1995

(PER: M.S.Deshpande, Vice Chairman)

The only question is whether the applicant is entitled to be appointed as Commercial Apprentice on the basis of common merit examination held for different categories. The applicant was selected as Traffic Apprentice but he was found medically unsuitable for that post. He, therefore, asked for being considered for the alternative category of Commercial Apprentice relying on the Ministry of Railways' letter dated 4.1.1985 which provided that "alternative appointment can be offered only in those categories for which common examination is held that too on the basis of their position in the combined merit list."

2. The respondents have not filed a written statement but the learned counsel pointed out that the applicant's contention was considered and was sent by the General Manager for approval by the letter dated 14.1.1993 (Ex.'G').






The Railway Board by the letter dated 20.5.1993 did not agree with the proposal. It does not appear that the rule position on which the applicant relied was considered by the Railway Board but Shri Rege, learned counsel for the respondents points out that the position was pointed out by the letter dated 14.1.1993 resting on the applicant's position at Sr.No. 58 in the merit list while general candidates upto merit order No. 41 only have been assigned the Commercial Apprentices. We find that there is no answer to the applicant's contention in Para 4.8 of the petition that persons who were lower in the merit were also appointed as Traffic Apprentice. We find that there is certain confusion with regard to the order in the merit list assigned to the applicant's position in the common merit list in respect of Traffic Apprentice and Commercial Apprentice and the Railway Board's order does not make any reference to the exact position which the applicant would have got if he were to be considered as a Commercial Apprentice.

3. All that we need do in the present case is to direct the Railway Board to reconsider the position in the light of what we have said above and find out whether the applicant could be selected for Commercial Apprentice post based on his seniority in that respect. This shall be done within three months from the date of receipt of this order by the respondents. The OA. is disposed of with this direction.



(P.P.SRIVASTAVA)

MEMBER (A)



(M.S.DESHPANDE)

VICE CHAIRMAN

M.P. No. 419/95
For extension
of Time fixed
on 16.6.95.

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(5)

52) 16.6.1995.

Shri G.S. Walia, counsel
for the applicant.

Shri V.G. Rege, counsel
for the Respondents.

Respondents have filed
M.P. No. 419/95 seeking extension
of time for compliance of the
Tribunal's Order.

6 months time is sought
for, however, in the circumstances
of the case, 4 months time is
granted.

M.P. No. 419/95 disposed

of.

6/6/95

(P.P. Srivastava)
M(A)

(B.S. Hegde)
M(J)

16/6/95
Order/Judgement despatched
to Applicant/Respondent(s)
on 5/7

6/7