

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application Nos: 59, 61, 62 and 64 of 1997

Date of Decision: 3.10.1997

N.K.Sinha & Ors.

Applicant.

Shri P.A.Prabhakaran

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri S.Ravi for Shri P.M.A.Nair

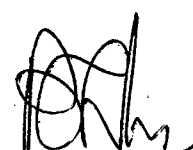
Advocate for
Respondent(s)


CORAM:

Hon'ble Shri.Justice R.G.Vaidyanatha, Vice Chairman

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

- (1) To be referred to the Reporter or not? *wo*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *wo*


(P.P.SRIVASTAVA)
MEMBER (A)


(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

GA.NOs.59, 61, 62 and 64 of 1997

Dated this the 3rd day of October, 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

1. Navin Kumar Sinha
2. Anil Kumar Bhagat
3. Manoj Kumar
4. Kaushlendra Kumar

C/o Shri Amit Kumar NCH Colony,
Qr.No.P-9/3, Kanjur Marg,
Bhandup, Mumbai-400 078.

By Advocate Shri P.A.Prabhakaran

... Applicants

V/S.

1. Union of India through
General Manager,
Western Railway,
Churchgate, Mumbai.
2. Chairman, Railway Recruitment
Board, Mumbai Central, Mumbai.
3. Chief Personnel Officer,
Western Railway, Churchgate,
Mumbai.


By Advocate Shri S.Ravi
for Shri P.M.A.Nair

... Respondents

O R D E R

(Per: Shri Justice R.G.Vaidyanatha, VC)

These are four applications under Section
19 of the A.T.Act, 1985. Respondents have opposed
admission. Heard both the sides.

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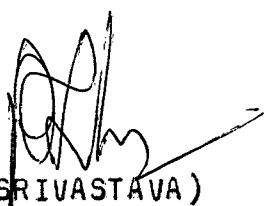
2. The applicants had given applications for the post of Apprentice Junior Engineer Gr.II (P.Way) (Engg.Deptt.). The department selected a list of candidates including all the applicants. The Railway Recruitment Board later noticed that the advertisement regarding this particular post was defective since qualification was wrongly prescribed as H.S.C. whereas it should have been only Diploma Holders in Civil Engineering/Mechanical Engineering/Electrical Engineering. Therefore the Railway Recruitment Board cancelled the selection list. Being aggrieved by the cancellation of selection list, the applicants have come up with these four applications.

3. At the time of hearing, we noticed that the advertisement is contrary to the Railway Manual. According to the Railway Manual the minimum qualification for the post in question is Diploma in Civil/Mechanical or Electrical Engineering but in the advertisement the required qualification is shown as H.S.C. with a rider that even Diploma holders are also eligible to apply. On the face of it, the qualification shown in the advertisement is defective and contrary to Railway Manual. Therefore, the Railway Recruitment Board was well advised to cancel the advertisement and invite fresh applications as per the prescribed qualifications. We, therefore, see no infirmity with the impugned orders of selection list.

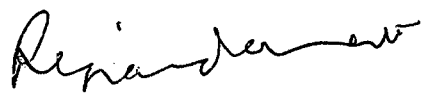


4. The learned counsel for the applicants is right in his submission that applicants are put to inconvenience or loss due to some mistake on the part of Railway administration or Railway Recruitment Board. The question is even if some mistake is committed by the administration, whether this Tribunal can interfere and ask them to do something when the required qualification is Diploma but the advertisement mentioned H.S.C. as the minimum qualification. Hence, we are not inclined to interfere with the impugned order which is challenged in these four applications. It is open to the applicants to apply again whenever applications are called for. It is brought out that Railway Recruitment Board has already given fresh advertisement and it is open to applicants to apply again and take chance. Hence, we are not inclined to interfere at this stage.

5. All the four applications are hereby rejected with no costs.



(P.P. SRIVASTAVA)
MEMBER (A)



(R.G. VAIDYANATHA)
VICE CHAIRMAN

mrj.