

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR

OA No. 301/92
(OA No. 622/88)

Date of order : 20.5.1994

Bhagwan Das & Anr. ... Applicants.

versus

Union of India & Ors. ... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Manish Bhandari, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.

Hon'ble Mr. P.P. Srivastava, Adm. Member.

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PER HON'BLE MR. P.P. SRIVASTAVA:

The applicants were working as Khallasis in the Wagon Repair Shop, Kota. A notification was issued on 4.6.88 for the post of Typist (Hindi) grade Rs. 950-1500, which is placed at Annexure A/1. The applicants have applied for this post. Their names alongwith one Aniruda Prasad Yadav, respondent No. 3, were notified which is placed at Annexure A/2. The applicants were directed to appear in the written test to be held on 2.8.88 vide Annexure A/3 dated 26.7.88. They also appeared in the Hindi typing test which was held on 3.8.88. They have further mentioned that all of a sudden the respondent No. 3, Aniruda Prasad Yadav were ordered to be regularised and all the process of selection which had been undergone and pending proceedings were quashed vide order Annexure A/4 dated 24.9.88. The applicants being aggrieved by this order approached this Tribunal by this OA with the prayer that the order dated 29.4.1988 at Annexure A/4 may be quashed and the



result of the selection which was being undertaken may be declared. The applicants have further prayed that the selection and regularisation of the respondent No. 3, Aniruda Frasad Yadav, on the post of Hindi Typist may also be quashed.

2. Notice of this OA was sent to the respondents who have submitted the reply.

3. We have heard learned counsel for both the parties and also perused the records.

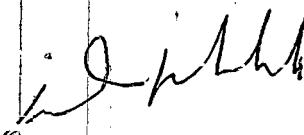
4. The main argument of the learned counsel for the applicants is that the order Annexure A/4 dated 24.9.88 cancelling the selection is against the provisions of Rule 110 of the Indian Railway Establishment Manual (Manual, for short). Learned counsel for the applicants has also argued that the cancellation of process of selection is arbitrary and without jurisdiction and the order Annexure A/4 has been passed with the sole purpose of giving benefit to the 3rd respondent. The learned counsel for the respondents has argued that the selection has been held under para 109 of the Manual. According to this para, a person from Class IV can be promoted in the Class III post in a department in which he is working. The learned counsel for the respondents further argued that the applicants have been working as Khallasis and according to the channel of promotion, the applicants are not entitled to be promoted on the post of Typist while the respondent No. 3 was working as Daftari and he comes within the channel of promotion on the post of Typist as shown at Annexure R/1. The learned counsel for the respondents has also argued that by mistake the names of the applicants were included in the list of other candidates who could appear in the test and when the mistakes were detected, the same was rectified by Annexure A/4 dated 24.9.1988.



5. We have considered the arguments of both sides. We are of the view that controversy whether the paras 109 and 110 govern in the present case test is immaterial for the present case. The controversy is that whether the applicants are eligible to get promotion to the post of Typist while they are working as Khallasis. After seeing the records and a bare perusal of Annexure P/1, we are of the opinion that since the Khallasis are not included in the channel of promotion and the applicants who ~~were~~ ^{are} Khallasis have no claim to be considered for promotion to the post of Typist. The Annexure P/1 which shows the proposed channel of promotion for Class IV staff has not been controverted by the applicant either by a rejoinder or otherwise.

6. Considering all the facts and circumstances of the case, we are of the view that the applicants have no claim for promotion to the post of Typist as they were working as Khallasis and the post of Khallasi is not included in the channel of promotion for the post of Typist. We, therefore, do not find any force in this OA and the same is dismissed with no order as to costs.


(P.F. SRIVASTAVA)
ADM. MEMBER


(D.L. MEHTA)
VICE CHAIRMAN