

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,  
JAIPUR

O.A.No.1012/92

Date of Decision:26.11.92.

S.P.Gupta

...Applicant.

Mr.J.K.Kaushik

...Counsel for the applicant.

Vs.

Union of India & ors.

...Respondents.

Mr.J.L.Daga

...Counsel for the respondents.

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CORAM :

THE HON' BLE MR.JUSTICE D.L.MEHTA  
VICE CHAIRMAN

THE HON' BLE MR.B.B.MAHAJAN, MEMBER  
ADMINISTRATIVE

.....

PER HON' BLE MR.JUSTICE D.L.MEHTA :

Heard the learned counsel for the parties.  
Mr.Daga has produced the copy of the Joint Director,  
Establishment, Railway Board, New Delhi letter dated  
4.9.83 addressed to the General Manager, All Indian  
Railways and others. From the perusal of the letter  
we cannot agree with this submission made by Mr.Daga  
tht the qualification of matriculation has been relaxed.  
We don't find any force in the submission made by Mr.Daga  
on this point.

2. As far as the letter is concerned, it only delas  
with the procedure and it provides that it has been  
decided that the procedure applicable for promotion of

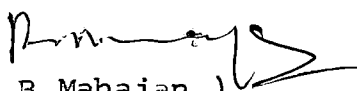
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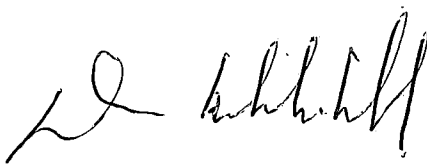
Class IV staff as Clerks may be followed in the case of promotion of Class IV employees as Telephone Operators also. The procedure and the requisite qualifications are two different things. Procedure is a mode of selection and requisite qualifications are the qualifications for the eligibility of the candidate. Thus the circular cannot be considered as relaxing the qualifications.

3. The applicant has prayed that the impugned order dated 29.7.88 (Annex.A/1) may be declared illegal and the same may be quashed. In pursuance of Annexure A-1 7 persons have been called for Interview. Vide order dated 15.2.89 (Annexure A-4). The persons who have been called for interview in pursuance of Annexure A-4 are necessary parties as there is a possibility that they might have been selected or appointed. Even otherwise no adverse orders can be passed in their absence against those who have been called for interview.

4. For this reason, the O.A. fails and is dismissed accordingly.

No orders as to costs.

  
( B.B. Mahajan )  
Member (A)

  
( D.L. Mehta )  
Vice-Chairman

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