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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.593/93

Dt. of order: 24.4.1995

Gir Prasad Sharma

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.Rajveer Sharma

: Counsel for applicant

Mr.Manish Bhandari

: Counsel for respondents No.1 to 3

other
None present for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Gir Prasad Sharma has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to revise the panel of six persons for the post of CMI to 9 persons and place the name of the applicant at appropriate place with further direction to appoint him as and when his turn comes with all consequential benefits.

2. The case of the applicant is that he was appointed as a Coaching Clerk on 9.9.1977 and thereafter promoted as Head Luggage Clerk vide order dated 19.12.'90. He was later confirmed on this post. Thereafter notifications for selecting suitable employees for promotion to the post of Commercial Inspector, for short 'CMI' were made on 15.11.'89 and 15.12.90. However, no selections were held. On 8.4.92, a fresh notification was issued. There was a direction that a panel for 9 posts of CMI scale Rs.1400-2300 shall be prepared out of which one post was reserved for S.C. community. Pursuant to the notification, the applicant applied through proper channel for appearing in the selection for promotion to the post of CMI. He was under the impression that out of 9 posts he would definitely be selected on one post since he had qualified the written test. His name appeared at Sl.No.7 in the merit list of the written test published on 20.8.1992. The applicant also appeared for the viva voce test held on 30.9.92.

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3. The applicant's averment is that respondents No.4 & 5 namely Satyavir Singh and Anupam Mishra after having been medically decategorised were directed to undergo initial training of CMI and since they were inducted in the posts of CMI, the applicant's case for being selected as CMI was prejudiced.

4. On the other hand the respondents have contested the application and stated that the appointment of the two persons named above, respondents No.4 & 5, was made prior to the declaration of the panel and as such it did not at all ^{affect} the case of the applicant. It is clearly stated by the respondents that the applicant did not qualify the viva voce test and therefore his name was not included in the panel. The main contention of the respondents is that only 6 persons had qualified the selection and in the circumstances, the panel was prepared for six posts only.

5. We have heard the learned counsel for the parties and have gone through the records. It is borne out by Annx.A5 dated 1.12.92, that respondents No.4 & 5 were directed for undergoing the initial training of CMI much earlier than 12.2.'93 when the panel of selected candidates for the post of CMI was declared. The applicant's contention that their entry into the posts of CMI as a result of their medical decategorisation prejudiced the applicant's case has no substance as it did not in any way adversely affect the applicant's right. The applicant has not challenged the appointment of respondents No.4 & 5 in the relief clause of the O.A. The learned counsel for the applicant during the course of arguments asked for permission to amend the O.A. with a view to challenge the appointments of respondents Nos.4 & 5. In the circumstances of the case, it was refused at such a belated stage. The applicant having failed in the selection process which included the viva voce test also, he has no right to claim the inclusion of his name in the panel.

6. In the result this application is dismissed with no order as to costs.

(O.P.Sharma)
Member (A).

C.Krishna
(Gopal Krishna)
Vice Chairman.