

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

16.2.2001

Date of Order : 16.2.2001

O.A.NO. 365/1996

Jagdish Prasad S/o Shri Chhaju Ram, aged about 37 years, R/o Railway Quarter No. 535-G Phulera Junction, Western Railway, at present employed on the post of Electric Khallasi in the office of Diesel Foreman, Phulera Junction, Western Railway.

.....Applicant.

VERSUS

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer

.....Respondents.

.....
Mr. J.K.Kaushik, counsel for the applicant.
Mr. K.S.Sharma, Counsel for the respondents.

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CORAM :

HON'BLE MR.JUSTICE E.S.RAIKOTE, VICE CHAIRMAN
HON'BLE MR.GOFAL SINGH, ADMINISTRATIVE MEMBER

.....
PER HONOURABLE MR.GOFAL SINGH, ADMINISTRATIVE MEMBER :

In this application under section 19 of the Administrative Tribunals Act, 1985, applicant, Jagdish Prasad, has prayed for a direction to the respondents to adjust the Scheduled Caste/ Scheduled Tribe candidates (empanelled against the general category) against the reserved vacancies, as per the Railway Board's Circular dated

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dated 7.9.1994 and interpolate the names of three more candidates from the general category in the panel dated 14.6.1996, Annex.A/1. It has also been prayed that the respondents be directed to deem the applicant as selected and empanelled by giving him the benefit of the directions contained in Railway Board's Circular dated 19.3.1976 and the impugned order, dated 14.6.1997 (Annex.A/1), may be modified accordingly, with all consequential benefits.

2. Applicant's case is that he was initially appointed on the post of Cleaner on 10.10.1978 in the Loco Shed, Abu Road. He was absorbed and designated as Electrical Khalasi in the year 1986. He passed the selection for the post of Electrical Fitter under 25% quota and was also having the qualification of Industrial Training Institute (I.T.I.) under the Apprenticeship Act, 1961. He had undergone the training for six months and was regularly appointed in the year 1990 on the post of Electrical Fitter vide respondents letter dated 22.11.1990 (Annex.A/2). The applicant continued on this post till 22.9.1995 and thereafter, he was ordered to be reverted in view of the quashing of the selection panel in pursuance of the judgement of this Tribunal. The selection held in the year 1989 for the post of Fitter was challenged before this Tribunal in O.A.No. 864/1992- Jaswant Sharma and Ors. Vs. Union of India and Ors. The Tribunal vide order dated 22.9.1994, quashed the panel. The respondents re-organised the selection for the post of Electric Fitter vide letter dated 27.7.1995 and a panel of 12 candidates was finalised. The name of the applicant does not figure on the said panel. It has also been pointed out that there is a deficiency of two Scheduled Caste and one Scheduled Tribe candidates. It is the contention of the applicant that in terms of the Railway Board's Circular dated 7.9.1994 (Annex.A/6), Scheduled Caste and Scheduled Tribe candidates who were eligible to be placed on panel according to general standard will be adjusted against the reserved posts first and the other candidates who also come in general

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merit, will be adjusted against un-reserved vacancies. It has, therefore, been alleged by the applicant that the two Scheduled Caste and one Scheduled Tribe candidates placed on the panel at sl.No. 2,7 and 10 respectively against general quota should have been first adjusted against reserved point and the points occupied by them, should have been released for general category candidates. It is also pointed out by the applicant that he had worked on the post of Electric Fitter for a period of five years and in terms of Railway Board's Circular dated 19.3.1976, he should not have been declared unsuitable in the interview. In the counter, the case of the applicant has been denied by the respondents. It has been pointed out by the respondents that the controversy involved in this case, has already been settled by the Jodhpur Bench of the Tribunal in Manu Kumar Vs. Union of India and Others, printed as (1998) 37 ATC 26. It has, therefore, been averred by the respondents that the application is liable to be dismissed in the light of the judgement cited.

3. We have heard the learned counsel for the parties and perused the records of the case carefully.

4. We have carefully gone through the judgement of the Jodhpur Bench of Central Administrative Tribunal rendered in Manu Kumar's case. We are firmly of the view that the case in hand, is squarely covered by the said judgement. Accordingly, following the detailed reasons recorded in Manu Kumar's case, we pass the order as under :-

The Original Application is dismissed with no orders as to cost.

Gopal Singh
(GOPAL SINGH)
Adm.Member

M
(JUSTICE B.S.RAIKOTE)
Vice Chairman

mehta