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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 13.1.97

OA 637/96

1. Laxmi Narain, Ad hoc Goods Driver, Phulera.
2. Rajendra Prasad, Diesel Assistant, Phulera.

... Applicants

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNIA, VICE CHAIRMAN

HON'BLE MR.O.P. SHARMA, ADMINISTRATIVE MEMBER

For the Applicants ... Mr.G.S.Bapna

For the Respondents ...

O R D E R

PER HON'BLE MR.GOPAL KRISHNIA, VICE CHAIRMAN

Applicants, named above, in this application under Section 19 of the Administrative Tribunals Act, 1985, have prayed that the orders dated 18.9.96, at Ann.A-4, by which persons having qualified the written examination for the post of Goods Driver scale Rs.1350-2200 were found fit for being called for a viva-voce test, and dated 7.11.96, at Ann.A-5, by which names contained therein were placed in the provisional panel, may be quashed.

2. Heard the learned counsel for the applicants.

3. The case of the applicant No.1 is that while working as a Shunter he was promoted as Goods Driver by an order dated 12.5.95 on ad hoc basis. Applicant No.2, while working as Diesel Assistant, cleared the Psychological Test in May, 1996 for the post of Goods Driver. Their grievance is that the action of the respondents in not including their names in the provisional panel dated 7.11.96, at Ann.A-5, is not sustainable. Since the vacant posts are available, the applicants state, they should have been selected and placed on the panel. The learned counsel for the applicants has placed reliance on a decision of Hon'ble the Supreme Court in the case of P.C.Srivastava vs. Union of India and others, decided on 3.11.95, in a Civil Appeal arising out of SLP (C) No.9866/93 and contended that since the record note provides that a person who has been working on the post for which selection is being held on ad hoc basis and whose work is quite satisfactory should not be declared unsuitable *Cf. K. R.* in the interview. It is stated that the Hon'ble Supreme Court had considered

the record note circulated vide letter dated 9.12.75 issued by the Railway Board. Since the posts of Goods Driver are safety category posts, these posts could be filled up by persons after they have cleared the entire selection process. Therefore, the judgement of Hon'ble the Supreme Court is distinguishable on facts. If the respondents found the work of applicant No.1 satisfactory, it was for them to decide whether he should be made to continue on the post of Goods Driver on ad hoc basis till such time as all the vacancies are filled up on the basis of a regular process of selection. The names of only those persons have been included in the provisional panel who have cleared the entire selection process. Applicant No.2 has never worked as a Goods Driver. The action of the respondents in not including the names of the applicants in the provisional panel cannot be faulted.

4. Subject to the observations made above, this application is dismissed at the stage of admission.

(O.P. SHAFMA)

ADMINISTRATIVE MEMBER

Cp Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK