

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No.410/97

Date of order: 08.04.1999

Pappu S/o Deen Dayal, aged 24 years, r/o Old Railway Colony, Kota Junction, Kota.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Church Gate, Mumbai.
2. The Divisional Railway Manager (Estt.), Kota Division, Kota Junction (Rajasthan).
3. The Selection Board (constituted for the purpose of selection on the post of Safai Karamchari through Dr. Manish Kakkar, Divisional Medical Officer, Western Railway, Kota).
4. Shri Pappu S/o Churia, r/o Harijan Basti, Bada Mohalla, Gangapur City.
5. Shri Munna S/o Chito, r/o village Amlapur, Post- Karwali Distt., U.P.
6. Shri Chandra Shekhar S/o Jagdish, r/o Teli Darwaja, Shambhar Lake, Harijan Basti, Distt. Jaipur
7. Shri Kishan Gopal S/o Hazari Lal, r/o Nehru Nagar, Harijan Basti, Kota.
8. Shri Mahendra Kumar S/o Shri Hallu, r/o Chulli Gate, Balmiki Basti, Ward No.19, Gangapur City, Distt. S. Madhopur.
9. Smt. Usha D/o Onkar 'M' R/o 4 TB Meter Gauge Rly Colony, Sawai Madhopur.
10. Shri Om Parakash S/o Prasadi Lal, r/o Chullu Ki Bagichi, Harijan Basti, Gangapur City, Distt. S. Madhopur.
11. Seema Devi W/o Om Prakash Nakwal, r/o New Sabarmati Colony, Gumanpura, Near Hahar, Kota.
12. Sunita W/o Pooran C/o Station Master, Rly Station Nimoda, Distt. S. Madhopur.
13. Mukesh C/o Babu Lal, r/o Mehar Nagar, Machis Factory, Harijan Basti, Kota Junction.

.. Respondents

Mr. P.V.Calla, counsel for the applicant

Mr. M.Rafiq, counsel for the official respondents

Mr. Mukesh Sharma, Briefholder for

Mr. K.N.Gupta, counsel for respondents Nos. 9,11,12 & 13.

None present for the other respondents

Cpkmsh

(1)

CORAM

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Pappu has filed this application under Section 19 of the Administrative Tribunals Act, 1985 assailing the selection held for appointment to the post of Safaiwala.

2. We have heard the counsel for the parties and have perused the records.

3. The case of the applicant is that he had worked as Safaiwala/Mess Boy from February, 94 to January, 96 in the Unit 1103, Railway Engineering Regiment (TA) in the Western Railway, Kota. Thereafter, a policy decision was taken that the jobs of cleanliness of coaches of trains, platforms, station premises, hospitals and offices etc. shall be carried out only by the departmental employees and it shall, in future, be not got done through contractors or contract labourers. An advertisement was issued on 15.5.97 inviting applications from candidates who worked earlier as Sawaiwala on part-time basis or on urgent temporary basis or dependents of Safai Karamcharis' or from persons who had worked otherwise in the Railway premises/coaches/trains etc. as Safaiwala. The applicant applied for the post of Sawaiwala routing it through proper channel. He was called on 29.7.97 for professional/oral examination. He was interviewed on 29.7.97. The process of selection commenced on 28.7.97 and ended on 5.8.97. Its result was declared on 6.8.97. In all 115 candidates were declared successful. It is contended that for the purpose of selection, a Selection Board was constituted consisting of Dr. Manish Kakkar, D.M.O., Western Railway, Kota, Shri Sanjay Singh, A.P.O.(T), Western Railway, Kota and Shri Sinha, A.P.O. (Electrical), Western Railway, Kota. and this Selection Board had conducted the selection from 28.7.97 to 5.8.97. The applicant had appeared before the Selection Board and had shown the relevant certificates. The main contention of the applicant is that the Selection Committee comprising of 3 members deputed by the Railway Board had come to Kota and the said Selection Committee had intervened in the matter of appointment to the post of Safaiwala. The Committee comprised of Shri Mohd. Sayyad Farooqi, Shri Shrinath Gujar and Shri Laxman Singh Singhania and thereafter, it was known that 40 candidates who were not called for interview earlier were also interviewed

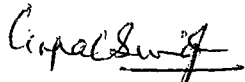
C. Krishna

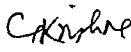
subsequently by the duly constituted Selection Board at the instance of the 3 members Committee. It is also urged that the candidates who were not found eligible were called for interview for extraneous considerations. This fact has categorically been stated in the reply that those who were called for interview were required to appear in the oral as well as practical examination and the Interview Committee which consisted of 3 Railway Officers and three officers nominated by the Railway Board, on the basis of the marks secured by the candidates, prepared a merit list and accordingly a panel was drawn. It is, therefore, abundantly clear that after the process of selection was initiated by a Selection Board comprising of Dr. Manish Kakkar, Shri Sanjay Singh and Shri Sinha, the Selection Committee consisting of three other members deputed by the Railway Minister have also come to Kota and it had intervened in the process of Selection. It is borne out by Ann.A7 that the Railway Minister had desired that all the Zonal Railways should immediately engage the requisite number of Safai Workers hailing from the Sweeper community only to carry out the Safai Karamcharis work and to meet the immediate requirements, those who are working on the post of Safai Karamchari on part-time basis or have worked in the post on casual basis or otherwise or the wards of Safai Karamcharis and those who have been working otherwise as Sweeper in the Railway Premises, Coaches/Trains etc. be suitably engaged.

4. There is no specific statement in the reply of the respondents to rebut the applicant's contention that candidates who were not found eligible earlier were also called for interview and that the candidates not belonging to Sweeper Community were also considered and selected.

5. We are of the view that the process of selection, qua the private respondents, is vitiated on the ground that there was intervention of another Selection Committee consisting of three other members deputed by the Railway Board and the persons who had earlier been not found eligible were also called for interview. We, therefore, quash the impugned result at Ann.A1 dated 6.8.97 in so far as it relates to private respondents Nos. 4 to 13. The official respondents are, however, free to conduct a fresh selection for the post of Safaiwala in accordance with the rules, instructions and guidelines on the subject.

6. The OA stands disposed of accordingly with no order as to costs.


(GOPAL SINGH)
Administrative Member


(GOPAL KRISHNA)
Vice Chairman