

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAI PUR BENCH, JAI PUR.

OA 25/98

DATE OF ORDER: 15.01.2003

Chiranjee Lal Bairwa son of Shri Prabhati Lal Bairwa aged 43 years by caste Bairwa. Resident of Ram Nagar Colony, Bandikui at present employed as Senior Helper in Western Railway and posted as Bandikui.

.... Applicant.

VERSUS

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Sr. Divisional Personnel Officer, Western Railway, Jaipur.
3. Divisional Signal Telecom Engineer (E), Western Railway, Jaipur.
4. Badri Narain son of Shri Shola Ram ~~at present~~ working as ATTO, Western Railway, Jaipur.

.... Respondents.

Mr. Pankaj Bhandari, Counsel for the applicant.

Mr. S.S. Hassan, Counsel for the respondents.

CORAM:

Hon'ble Mr. H.O. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

In this OA, following reliefs have been sought:-

- "i) That the name of respondent No. 4 be strucked off from the orders issued by respondent no. 3 on 20.10.97 and 12.12.97 whereby the name of respondent No. 4 have been included for the purpose of written test and interview respectively.
- ii) That the order dated 29.12.97 and 31.12.97 issued by respondent no. 3 whereby the respondent No. 4 has been provisionally promoted to the post of Asstt. Telephone Operator on one seat reserved for Scheduled caste be set aside.

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iii) That the respondent nos. 1 to 3 be directed to promote the applicant on the post of Assistant Telephone Operator (reserved for SC) as he is the only qualifying candidate as per notification dated 28.7.97 and rules provided for the same."

2. The respondents have contested this OA and also filed additional affidavit. The applicant has not filed rejoinder.

3.0 Heard the learned counsel for the parties and perused the record.

3.1 During the course of arguments, the learned counsel for the applicant fairly concedes that Para No. 152 of IREM shall be relevant which provides that all Group 'D' employees shall be eligible for the selection to the post of Asstt. Telephone Operator. However, he submitted that the notification dated 28.7.97 (Annexure A/1) only specifies the eligibility for three categories of employees and that the category of private respondent No. 4 whose designation is Wireless Chaprasi is not included in the said notification. He had to file this OA based on this notification. The contention of the learned counsel for the applicant appears to be correct in as much as notification does not invites application from the category of persons having designation of Wireless Chaprasi. The learned counsel for the respondents submits that although there was error in the notification but as per eligibility list contained in Annexure A/2 and issued subsequently, the name of private respondent appears. He further submits that the applicant ~~cannot~~ have any claim since the action of the respondents is in accordance with the statutory provisions contained in Para 152 of IREM. He also submitted that the applicant has been subsequently promoted as TCM Grade III in 1999 and TCM Grade II in 2001.

3.2 In view of the submissions of the parties, we are of the view that no judicial interference is called for in this case. Accordingly, this OA is dismissed without any order as to costs.


(M.L. CHAUHAN)
MEMBER (J)


(H.O. GUPTA)
MEMBER (A)