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199

**DATE OF DECISION** 6.4.2000

**Petitioner**

**Advocate for the Petitioner (s)**

## Versus

**Respondent**

**Advocate for the Respondent (s)**

**CORAM :**

**The Hon'ble Mr. S.K. Agarwa; Member (J)**

**The Hon'ble Mr. N.P.Nawani, Member (A)**

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(N.P. Nawani)  
Member (A)

(S.K.Agarwal)  
Member (J)

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.126/99

Date of order: 6/4/2000

1. Dinesh Chand Sen, S/o Shri Raghuvar Dayal, R/o Village Mandawar, Distt. Dausa.
2. Bacchu Singh, S/o Shri Bhagwan Singh, R/o Village Bajeri, Distt. Bharatpur.
3. Attar Singh Meena, S/o Lalaram Meena, R/o Village Mandawar, Distt. Dausa.
4. Sita Ram Meena, S/o Rampal Meena, R/o Village Madhogarh, Tehsil Bassi, Distt. Jaipur.

...Applicants.

Vs.

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Rail Manager, Northern Rly, New Delhi.

...Respondents.

Mr. Sanjay Joshi - Counsel for the applicant

Mr. U.D. Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr. S.K. Agarwal, Judicial Member

Hon'ble Mr. N.P. Nawani, Administrative Member.

PER HON'BLE MR. S.K. AGARWAL, JUDICIAL MEMBER.

The main grievance of the applicant in this Original Application is that in pursuance of notification No.1/1999, the applicants were not allowed to fill-up form for preparation of panel for Class IV post on the ground that the applicants are not eligible as they have not completed their apprentice training from Northern Railway but completed their apprentice training from Loco Workshop, W.Rly, Ajmer. Therefore, directions were sought to allow the applicants to fill-up the application form and in case they found suitable, they be offered appointment to Class IV post as per notification No.1/1999.

2. Reply was filed. In the reply, it is stated that notification No.1/99 was issued for forming a panel for recruitment of 100 posts of Substitutes in Group-D and only those candidates were made eligible who have passed NCVT test from Northern Railway Organisations, including the Workshop of Northern Railway. It is stated that the applicants were not eligible, hence they were not given application forms for filling-up and no such form was given to any other persons who is not eligible as per notification No.1/99. It is also stated that the said eligibility condition is perfectly legal, proper, reasonable and justified as the applicants who have received apprenticeship training under a particular Railway Organisation is the liability of that Railway Organisation.

*[Signature]*

to give employment to them. It is further stated that before approaching this Tribunal, the applicants did not exhaust the remedies available to them, as provided under the Administrative Tribunals Act, therefore, this O.A is not maintainable on this ground alone and requested to dismiss the O.A with costs.

3. Heard the learned counsel for the parties and also perused the whole record.

4. The learned counsel for the applicant submits that the eligibility conditions as mentioned in para 21 of notification No.1/99 are discriminatory and in violation of Article 14 of the Constitution of India. On the otherhand, the learned counsel for the respondents has argued that eligibility criteria as mentioned in para 21 of the notification is perfectly legal and valid and it is not at all discriminatory, as per the provisions given in Article 14 of the Constitution.

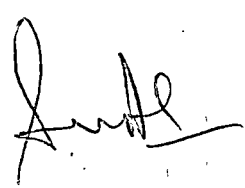
5. Admittedly, the applicants are not eligible for fillingup the application forms as per notification No.1/99, as they do not fulfil the eligibility criteria as mentioned in the aforesaid notification.

6. In the reply, it has been made clear that the said notification was issued after obtaining approval from Head-quarters and the eligibility conditions as given in para 21 of the said notification is perfectly legal, valid, proper and reasonable as the applicants who were undergone training under a particular Railway Organisation is the liability of that particular Railway Organisation to give employment to such persons and such apprentices are familiar with the requirements of the said Railway Organisation/Workshops.

7. In Panduranga Rao Vs. Andhra Pradesh Public Service Commission, AIR 1983 SC 268, a Constitutional Bench of the Hon'ble Supreme Court clearly held that in order to achieve the goal of recruiting suitable candidates, certain conditions can be imposed and those conditions would not be violative of equality clause as enshrined in Article 14 of the Constitution of India.

8. In Gangaram Moolchandani & Ors. Vs. High Court of Judicature for Rajasthan & Ors., ATJ 1999(2) 543 held that condition for recruitment to RHJS that a candidate must have practiced for more than 7 years in the High Court of Rajasthan and Courts subordinate to it is not violative of Article 14 of the Constitution of India.

9. In the instant case, the applicants were not given application forms for preparing panel in pursuance of notification No.1/99 on the ground that they have not passed their apprentice



training from Northern Railway but from Loco Workshop, W.Rly, Ajmer. This classification, according to the law laid down by Hon'ble Supreme Court as mentioned above is neither discriminatory, nor in violation of Article 14 of the Constitution and the applicant has no case for interference by this Tribunal.

10. We, therefore, dismiss this O.A having no merit at the stage of admission with no order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).