

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH: JAIPUR

Original Application No. 430/2002

Jagdish Prasad Yadav  
S/o Shri Prabhati Lal Yadav  
R/o Dhasdon Ki Dhani  
Kaladara  
Chomu : Teshil  
Jaipur District.

: Applicant.

rep. by Mr. P.V. Calla: Counsel for the applicant.

-versus-

1. Union of India  
through the General Manager,  
Western Railway,  
Churchgate,  
Mumbai
2. The Chief Personnel Officer,  
Western Railway,  
Churchgate  
Mumbai.
3. The Railway Recruitment Board,  
Ajmer  
through its Chairman,  
2010 Nehru Marg,  
Ajmer.

: Respondents.

CORAM: The Hon'ble Mr. Justice G.L. Gupta, Vice Chairman  
The Hon'ble Mr. A.P. Nagrath, Administrative Member

Date of the order: 24.12.2002

ORDER

Per Mr. Justice G.L. Gupta

The Railway Recruitment Board, Ajmer,  
issued a notification for selection to 68 posts of  
Pharmacist vide Employment Information Bulletin No. 2/95  
wherein 18 posts were reserved for OBC category candidates.

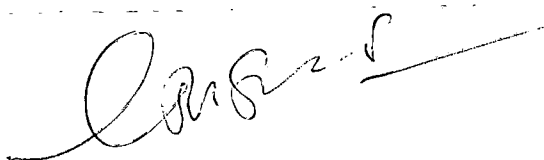


The applicant being educationally qualified for the post applied for the same. He appeared in the written test on 19.11.95 and in the interview on 26.12.95. In the result sheet, Annex. A.10, his roll No. was shown in the category of successful candidates. It was noted that his selection was provisional.

2. The case for the applicant is that even after his selection he has not been given appointment as Pharmacist, though all other persons have been given appointment. It is stated that the applicant made representation but there was no response.

3. Mr. P.V. Calla, learned counsel for the applicant contends that the last candidate appointed to the post out of the persons in the panel (Annex. A.10) was Shri Peerchand Tanwar vide memo dated 28.8.2000 (Annex. A.13) and therefore the applicant's claim cannot be said to be stale. He points out that vacancy is available yet the applicant has not been given appointment.

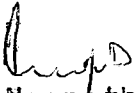
4. We have considered the arguments. It is evident that the applicant wants relief with respect to vacancies notified vide notification No. 2/95 and panel Annex A.10 published on 27.12.95. There is no material on record to presume that out of the panel Annex. A.10 Shri Peer Chand Tanwar was appointed. His Roll Numbers have not been stated in the O.A. There is no name in Annex. A.10 and therefore it cannot be accepted that the respondents have given appointment to the persons in the panel (Annex. A.10) till the year 2000.




5. Even on assuming that Shri Peer Chand Tanwar was from the panel of 1995(Annex. A.10) the applicant cannot get relief in this case since it is not the case of the applicant that any person lower in merit to him has been given appointment.

6. It is settled legal position that selection does not confer indefeasible right to a candidate to get appointment. It is also not stated that there are rules to the effect that a selected candidate, has a right of appointment even after a number of years.

7. This O.A, being devoid of merit, is dismissed in limine.

  
(A.P. Nagrath)  
Administrative Member

  
(G.L. Gupta)  
Vice Chairman.

jsv.