

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP; BILASPUR(CHHATISGARH)

Original Application No.442 of 2002

Bilaspur, this the 26th September, 2003

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

1. P.Mohan Rao s/o P.Narayan Rao
aged - 59 years, employed as Electric Train
Driver under Senior Divisional Electric Engineer(OP)
posted at S.E.Rly., Bilaspur(C.G.)
2. Lalji Singh s/o Ram Deva Singh aged
aged 58 years employed as Electric Train
Driver under Senior Divisional Electric Engineer(OP)
posted at S.E.Rly., Bilaspur.
3. G.T. Achari s/o G.Achari, aged about 54 years
employed as Electric Train Driver under Senior
Electric Engineer(OP) and posted at S.E.Rly.
Bilaspur.
4. A.C.Swain s/o B.M.Swain, aged about 57 years
employed as Electric Driver under Sr.Divisional
Electric Engineer(OP) and posted at S.E.Rly., Bilaspur
5. Roop Singh s/o Heera Singh aged about 57 years,
employed as Electric Driver under Sr.DEE(OP) posted
at S.E.Rly., Bilaspur.
6. S.I.Hussain, aged about 53 years employed as
Electric Train Driver, under Senior Electric Engineer
(OP) posted at S.E.Rly., Bilaspur.
7. H.R.Yadav S/o Judawan Yadav aged about 57 years
employed under Sr.Divisional Electric Engineer(OP)
posted at S.E.Rly., Bilaspur.
8. R.Shrinivashlu s/o Sitaram Swamy, aged about 51 years
employed as Electric Train Driver under Sr.Divisional
Electric Engineer(OP) posted at S.E.Rly., Bilaspur.
9. P.K.Massey s/o Rajlingu aged 53 years employed
under Sr.Divisional Electric Engineer (OP)
posted at S.E.Rly., Bilaspur.
10. Narayan Prasad S/o Santlal aged about 54 years
employed as Electric Train driver under S.Divisional
Electric (OP) posted at S.E.Rly Bilaspur.
11. S.Mehboob S.A.Jaan aged about 54 years employed as
Electric Train Driver under Senior Electric Train
Driver posted at S.E.Rly, Bilaspur.
12. B.K.Seria S/o B.B.Seria, aged about 52 years
employed as Electric Driver under Sr.Divisional
Electric Engineer (OP) posted at S.E.Railway, Bilaspur.
13. S.Badrudin s/o Mohiddin aged about 52 years employed
as Electric Train Driver under Sr.Divisional Electric
Engineer(OP) posted at S.E.Rly., Bilaspur.

..... Applicants.

(By Advocate - None)

V e r s u s

Union of India through
the General Manager, S.E. Railway,
South Eastern Railway, Gardenreach,
Calcutta, 43.

and 18 others.

... Respondents

(By Advocate - Shri M.N. Banerjee for official respondents.
Shri G.V. Krishna Rao on behalf of Shri P.
Shankaran for the private respondents)

O R D E R (Oral)

Justice V.S. Aggarwal -

The applicants are presently working as Goods Train Driver and seeks promotion to the post of Passenger Train Driver. The applicants have submitted their applications, but were not promoted. The applicants contend that to the post of Senior Goods Train Driver the method of selection is seniority cum suitability. By virtue of the present application they seek quashing of the promotion order of 3rd December, 2001 based on an empanelment which according to the applicant is not fair order. According to the applicants they have been vitiated on the ground of irregularities and arbitrariness.

2. The petition has been contested.

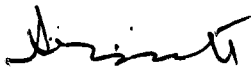
3. The respondents plead that all the applicants are working as Senior Goods Driver in the Bilaspur Division. In order to fill up 34 vacancies of Passenger Driver in the scale of Rs. 5500-9000/- 102 eligible senior goods train Driver and goods driver in the said scale were called to appear in the selection. The applicants were also one of them. In the selection the applicants could not come out successfully and therefore they were not empanelled. It is denied that there is no arbitrariness or unfairness in the method of selection that was adopted.


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4. It is obvious from the aforesaid facts that for the above said promotion selection process was held. The applicants had also taken part in the said selection. It is settled principle of law that a person who competes with others later on cannot urge that the procedure of selection so adopted is illegal. To that extent the plea as such must fail.

5. The only other contention raised is that the selection process suffers from irregularities and arbitrariness. In order to prove the same there has to be some material before the Tribunal to indicate that there was irregularity or arbitrariness in the method of selection. Merely because the juniors of the applicants have been promoted adopting the method of selection process, there is no other material as in the present case and it cannot be termed that the selection made would be invalid or there would be arbitrariness therein. There is no other plea worth consideration.

6. Resultantly the OA must fail and is dismissed.


(Anand Kumar Bhatt)
Administrative Member


(V.S. Aggarwal)
Chairman

"SA"

पूरांकन सं ओ/न्या.....
पतिलिपि अन्तर्गत दि.....

(1) सचिव उच्च न्यायालय, कोलकाता
(2) सचिव उच्च न्यायालय, दिल्ली
(3) सचिव उच्च न्यायालय, मुंबई
(4) सचिव उच्च न्यायालय, चंडीगढ़

सूचना के अधिनियम, 2005 के तहत सूचना

I K. Desai, A. C. Chatterjee, P. Shankar, A. K. Banerjee, P. Shankar, A. K. Banerjee


A. K. Banerjee
9/10/03

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7/10/03