

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 666 of 1999

Jabalpur, this the 21st day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

1. A.K. Jain, aged 37 years, s/o.
Shri S.C. Jain, Chief Draughtsman,
Central Railway, Jabalpur, R/o.
Howbag Railway Colony, Jabalpur.
2. S.K. Nigam, aged 36 years, S/o.
the late G.M. Nigam, Junior Engineer,
Central Railway (Construction),
Bhopal, R/o. Railway Colony,
Bhopal.
3. R.K. Jain, aged 40 years, S/o.
Shri N.C. Jain, Section Engineer
(Construction), Central Railway,
Bhusawal, Resident of Bhusawal. ... Applicants

(By Advocate - Shri Uddayan Tiwari)

V e r s u s

1. Union of India, Through the
Secretary, Department of Railways,
Rail Bhawan, New Delhi.
2. General Manager, Central Railways,
CSTM, Kshetriya Shivaji Terminus,
Mumbai.
3. Chief Personnel Officer, Central
Railway, CSTM, Mumbai. ... Respondents

(By Advocate - Shri S.P. Sinha)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this original Application the applicants
have claimed the following main reliefs :-

"(i) That by issuance of a writ in the nature of certiorari, the order Annexure A-1 may please be quashed; declaring the same to be contrary to law and practice according to Rules.

(ii) That by issuance of a writ in the nature of mandamus, the Hon'ble Tribunal be pleased to command the respondents to notify the select panel and commanding the respondents further to make appointments in accordance therewith.

(iii) That by issuance of a writ in the nature of

prohibition, the Hon'ble Tribunal be pleased to restrain the respondents from re-holding the written test and viva-voce as is likely to be done on account of passing of the order Annexure A-1."

2. The brief facts of the case as stated by the applicants are that the applicant No. 1, joined as Draughtsman Grade-I, applicants Nos. 2 and 3 as Inspector of Works-III and Inspector of Works, respectively, in Railways. A selection was made to the post of Assistant Engineer in the Central Railways. According to the rules 30% posts of Assistant Engineers are reserved for promotion quota on limited departmental competitive examination. The applicants have participated in the selection. Later on, respondent No. 3 vide his order dated 27.10.1999, cancelled the entire examination alongwith viva-voce without assigning any reason. Aggrieved by this the applicants have approached this Tribunal claiming the aforesaid reliefs.

3. Heard both the learned counsel for the parties.

4. Both the parties agree that the present original Application is covered by the order dated 16th February, 2001 in OA No. 915/1999 passed by the Mumbai Bench of this Tribunal. The said judgment of the Mumbai Bench had been challenged before the Hon'ble High Court of Bombay in writ Petition No. 3251/2002. The Hon'ble Bombay High Court vide its order dated 19.09.2002 has upheld the order of the Mumbai Bench of the Tribunal and dismissed the writ Petition. In the aforesaid OA No. 915/1999, the Mumbai Bench of the Tribunal has upheld the order 27.10.1999 (which has been challenged in this OA), holding that the order passed by the General Manager, cancelling the selection on the basis of vigilance report, is totally justified and does not deserve any interference. Accordingly, the said OA was dismissed.

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5. In view of the facts that this OA is squarely covered by the aforesaid decision of the Mumbai Bench which has been upheld by the Hon'ble High Court of Bombay, this OA is also liable to be dismissed.

6. Accordingly, the original Application is dismissed. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

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कृष्णकन सं ओ/न्या..... जदलपुर, दि.....
प्रतिविधि ३. ०८. २०१०
(१) सतिव, उच्च न्याय विधायक विधायक, जदलपुर
(२) दावेक्ष श्री/महाराजा विधायक विधायक काउंसल U. Tiwari, Aeh.
(३) प्रत्यक्षी श्री/महाराजा विधायक विधायक काउंसल SP Singh, Aeh.
(४) यंगमाला, नेहराम, जदलपुर
सूचना एवं आदर्शपक विधायक
उप रजिस्ट्रार

T.S. Gopal
M. Gopal
G. Gopal