

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

JAIPUR, this the 19th day of July, 2005

ORIGINAL APPLICATION No.267/2005

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)  
HON'BLE MR.G.R.PATWARDHAN, MEMBER (ADMINISTRATIVE)

Udai Singh s/o Shri Mohan Lal, working as Senior  
Khalasi C&W, Jaipur r/o 314/C, New Railway Loco  
Colony, Jaipur.

.. Applicant


(By Advocate: Shri R.C.Narang)

Versus

1. Union of India through  
General Manager,  
Northern-Western Railway,  
Opp. Railway Hospital,  
Jaipur.
2. Divisional Railway Manager,  
North Western Railway,  
D.R.M.Office, Power House Road,  
Jaipur.
3. Sr. Divisional Mechanical Engineer  
D.R.M.Office, Power House Road,  
Jaipur.

.. Respondents

(By Advocate:

  
ORDER (ORAL)

The applicant has filed this Original Application thereby praying for the following reliefs:

- i) to issue an appropriate order or direction to quash and set-aside the order/penal dated 5.5.2005 (Ann.1).
- ii) To issue appropriate order or direction the respondent be directed to consider the applicant for promotion to the Group 'C' post and pass necessary order in his favour.
- iii) Or any other appropriate relief which this Hon'ble Tribunal deemed fit and proper in the facts of the circumstances of the case may kindly be passed in favour of the applicant.


2. Facts of the case are that the respondents proposed to fill 13 posts of Fitter Gr.III (Group 'C') scale Rs. 3050-4590 against 25% LDCE quota from Group 'D' employees and for that purpose notification dated 25.10.2004 (Ann.A2) was issued. It is further mentioned in the said notification that 9 posts are meant for general category, 3 posts for SC and one post of ST category. This notification also stipulates that panel will be prepared on the basis of selection test. It is further stipulated that the qualified candidates shall undergo a trade test and it is only after they qualify the trade test, they will be appointed against Group 'C' post in the grade of Rs. 3050-4590. The said notification further reveals that in case the persons who found fit for trade test do not qualify the trade test will be reverted to their substantive grade. Pursuant to the said notification, the applicant applied for the aforesaid post and on the basis of application, the applicant was found eligible to appear in the written test vide notification dated 25.2.2005 (Ann.A3). It was further

stipulated in the said notification that the written test will be held on 2.4.2005 in the divisional office at 11.00 AM. The applicant appeared in the written examination but could not qualify the same. However, the respondents vide impugned order dated 5.5.2005 declared the result of the persons who qualified the written test in which name of the applicant does not find mention. In all, 13 persons qualified the written test. The grievance of the applicant in this case is that the panel of the successful candidates has not been prepared in accordance with the posts notified vide Ann.A2, inasmuch as, against 9 posts meant for general candidates, names of 11 persons have been included in the impugned panel dated 5.5.2005 and only two persons have been included from reserved category i.e. one candidate from SC category and one from ST category. Since the applicant belongs to SC category, the grievance of the applicant in this OA is that the said panel may be cancelled and his name be included in the aforesaid panel as SC category candidate.

3. We have heard the learned counsel for the applicant at admission stage. We are of the view that the present application is wholly misconceived. As can be seen from notification dated 25.10.2004 (Ann.A2), Group 'D' employees who fulfill the requisite qualification were entitled to be placed in the panel for Group 'D' in the scale Rs. 3050-4590 only if they

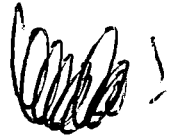
qualify the written test and undergo selection process which is essential condition for placing a person on panel and it is further stipulated that the person whose name find mention in the panel will also have to undergo trade test and after qualifying the trade test they will be entitled for the scale of Rs. 3050-4590. Thus, persons who have qualified the written test and undergone selection process have to be necessarily placed in the panel irrespective of the post meant for their respective category. Since the applicant has not admittedly qualified the written test, he has no legal right for inclusion of his name in the panel, result of which was declared vide impugned notification dated 5.5.2005. Simply because the applicant belongs to reserved category, he has no indefeasible right to be selected on the aforesaid post especially when he has not qualified the test on the ground that more persons have been declared successful from general category than the number of posts meant for them. It may be stated that vide impugned order only result of the candidates who have qualified the written test has been declared. Admittedly, the respondents have not prepared that selection panel so far. Thus, the contention of the applicant that as against 9 vacancies belonging to general category, the respondent are going to appoint 11 persons cannot be accepted at this stage.

4. With these observations, the present OA is dismissed at admission stage with no order as to costs.



(G.R. PATWARDHAN)

Member (A)



(M.L. CHAUHAN)

Member (J)

R/