

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

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13.1.2009

OA No. 244/2008

Mr. Nand Kishore, counsel for applicant.  
None present for respondents.

It is a DB matter. List it on 24.02.2009.

IR to continue till the next date.

  
(B.L. KHATRI)  
MEMBER (A)

ahq

**24.02.2009**

**OA No. 244/2008**

Mr. Nand Kishore, Counsel for applicant.  
Mr. R.G. Gupta, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 24<sup>th</sup> day of February, 2009

**ORIGINATION APPLICATION NO. 244/2008**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Chhagan Raj/Chagan Lal Gehlot son of Shri Gehlot son of Shri Gopi Lal Gehlot aged about 44 years, working as Master Craft Mechanic in Diesel Shed Phulera, Scale Rs.5000-8000, resident of Dhani Nagan, Phulera, District Jaipur.

.....APPLICANT

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.
3. Shri Girdhari Lal Saini, Master Craft Mechanic, Diesel Shed Phulera, District Jaipur.

.....RESPONDENTS

(By Advocate: Mr. R.G. Gupta)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for quashing the order dated 18.06.2008 (Annexure A/1) whereby person junior to the applicant was empanelled. In sum & substance, the grievance of the applicant is that his name has been wrongly excluded from the panel dated 18.06.2008 (Annexure A/1) whereas name of Shri Girdhari Lal Saini, respondent no. 3, who is admittedly junior to the applicant as per seniority listed dated 06.11.2007 (Annexure A/4), has been included. It is further stated that the applicant as well as Shri Girdhari Lal Saini, respondent no. 3, both have qualified the written examination for the post of Junior Engineer in the pay scale of Rs.5000-8000/-. When the matter was listed on 27.06.2008, this Tribunal on the basis of the submission made by the learned counsel

for the applicant on the aforesaid terms had granted ex-parte interim stay.

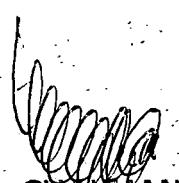
2. Notice of this application was given to the respondents. The respondents have filed reply. The aforesaid fact has not been disputed by the respondents. However, in the reply, they have stated that the applicant has got less than 60% marks in aggregate whereas Respondent no. 3 got more than 60% marks in aggregate. Therefore, the name of respondent no. 3 was rightly included in the panel dated 18.06.2008 (Annexure A/1). In other words, the case set up by the respondents is that no doubt the applicant qualified the written test but he has not got more than 60% marks in written test as well as service record in aggregate. According to the respondents, panel for the post(s) has to be prepared by way of positive act of selection and seniority alone is not sole criteria.

3. In view of the stand taken by the respondents in the reply, learned counsel for the applicant submits that he wants to withdraw this OA with liberty reserved to him to challenge the selection criteria by filing substantive OA.

4. In view of what has been stated above, the applicant is permitted to withdraw this OA with liberty reserved to him to challenge the selection criteria whereby respondent no. 3, who is junior, has been empanelled and disposal of this OA will not come in his way to challenge the validity of the impugned order dated 18.06.2008 by filing substantive OA in case the said OA is filed within a period of one month from today.

5. With these observations, the OA is disposed of with no order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ