

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION Nos.:430/2015, 47/2016,
299/2016, 555/2015 & 2078/2015

Dated this Friday the 10th day of February, 2017

CORAM: HON'BLE Dr. MRUTYUNJAY SARANGI, MEMBER (A)
HON'BLE SHRI A.J. ROHEE, MEMBER (J)

OA No.430/2015

1. Shri Yogesh Devidas Patil
S/o Devidas Shankar Patil
Residing at : At post Nadgaon,
Tal Bodwad, Dist. Jalgaon
- 425 310.
2. Ajit Bhikan Pinjari
S/o Bhikan Tanhu Pinjari
R/o. Khadka Road, Mohammedi
Nagar, Near Al-Hira School,
Bhusawal, Dist. Jalgaon - 425 201.
3. Vikas Jagdeo Patil
S/o Jagdeo Hindhu Patil
R/o. Mukta, TQ Bodwad,
Dist. Jalgaon - 425 310.
4. Vishal Vasant Shimpi
S/o Vasant Shimpi,
R/o. Mahadeo Galli,
Bhadgaon, dist. Jalgaon
- 424 105.
5. Arun Duryodhan Wagh
R/o. Pimpalgaon Devi, TQ
Motala, Dist. Buldhana
- 443 101.
6. Nitin Shantaram Chavan
S/o Shantaram Chaitram
R/o. RBI-965-F,
Railway North Colony,
40, Block No.9,
Bhusawal, Dist.Jalgaon
- 425 201.

7. Vaishali Prakash Chitole
D/o Prakash Chitole
R/o Vankhede Nagar,
Dabki Road, Akola,
Dist. Jalgaon - 444 002.
8. Jayshree Shahebrao Shinde
D/o Shahebrao Genu
R/o. Mohammadwadi, Hadapsar,
Pune - 411 060.
9. Rajni Dattatraya Khonde
D/o Dattatraya Namdeo Khonde
R/o Behind Phugaon Road
Chabulal Thakrey Road,
Gajanan Mandir Road,
Pachora, Dist. Jalgaon
- 424 105.
10. Anisha Rajesh Sharma
S/o Rajesh
R/o Anand Nagar, Jamner Road,
Yash, Dist. Jalgaon.
11. Vijay Kumar Sarjerao
S/o Sarjerao Rane
At Post Hiwara Post
Sangvi, Tal Athaner,
Dist. Baitul, M.P. 460 110.
12. Smita Rameshwar Jadhav
D/o Rameshwar Jadhav
R/o. C/o. Gajanan Mandir,
Gupte Complex, Rituja Apartment,
Jathar Peth, Akola - 444 005.
13. Gangadhar Rajaram Bodkhe
S/o Rajaram Bodkhe
R/o. Post Paradsingha,
Tal - Multal, Dist. Baitul,
M.P. 460 661.
14. Manoj Pramod Deshmukh
S/o Pramod Deshmukh
R/o Post Paradsingha,
Tal - Multal,
Dist. Baitul, M.P.- 460 661.

15. Vinod Keshavrao Gajbhiye
S/o Kishavrao Gajbhiye
R/o. Post Tukadi Kapa,
Post Landha Tahsil Pandurana,
Dist. Chindwada,
M.P. 480 337.
16. Sangita Bhavlal Potdar
D/o Bhavlal Nathu Potdar
R/o C/o Ashok Devidad
Bhambre, Shalimaar Nagar,
Tq. Pachora, Dist. Jalgaon
- 425 111.
17. Chaya Bhimrao Bhalerao
D/o Bhimrao Shankar Bhalerao
R/o Near Akbar Talkies,
Yash, Dist. Jalgaon
- 425 201.
18. Kiran Himmatrao Devre
S/o Himmatrao Kaushik Devre
R/o Devre Dardol, Tarugaon,
Tal Jalgaon, Dist. Jalgaon
- 425 110.
19. Nitin Devidas Chavan
S/o Devidas Kautik Gadhaari
R/o. Post Kasoda, Tq. Erandol,
Dist. Jalgaon - 425 110.
20. Vinod Maroti Raut
S/o Maroti Raut
R/o. Daddewadi Chawl,
K-177-J, Bhusawal,
Dist. Jalgaon - 425 201.
21. Ravindra Bhika Manjlkar
S/o Bhika Dagadu Manjlkar,
R/o. Shri Nagar, Zrti,
Bhusawal, Dist. Jalgaon
- 425 201.
22. Nirasha Ramdas Yeole
D/o Ramdas Vithoba Yeole
R/o. Tapti Kathora,
Post. Phulgaon Tq,
Bhusawal Dist. Jalgaon
- 425 201.

23. Arvind Suresh Kshirsagar
S/o Suresh Ananda Kshirsagar,
R/o. Aagwadi Chawl,
Near Pratapgadh Masjid,
Q.No.K-277/J, Bhusawal,
Dist.Jalgaon - 425 201.

24. Rakesh Suresh Kshirsagar
S/o Suresh Ananda Kshirsagar,
R/o Aagwadi Chawl, Near Pratapgadh
Masjid, Q.No.K-277/J,
Bhusawal, Dist. Jalgaon
- 425 201.

25. Umesh Dagdu Tayade
S/o Dagdu Ramchandra Tayade,
R/o. Post Nahvim Tal
- Yawal, Dist.- Jalgaon
- 425 524.

26. Umesh Prakash Galphade
S/o Prakash Kashinath Galphade
R/o. Varchiaali, Near Shani
Mandir, Post - Nasirabad,
Dist.-Jalgaon - 425 309.

27. Prashant Vinayak Sadaphale
S/o Vinayak Sampat Sadaphale,
R/o Warchiali, Daily Market,
Post. Nasirabad, Dist. Jalgaon
- 425 301.

28. Swapnil Ratnakar Patil
S/o Ratnakar Dividas Patil
R/o Railway Colony,
Mitratype, RBI-54 (A),
Chalisgaon, Dist. Jalgaon
- 424 101.

29. Minakshi Suresh Patil
D/o Suresh Ramdas Patil,
R/o. Near Santoshi Mata
Hall, Dist. Jalgaon -
425 201.

30. Walmik Jagdish Jhadav
S/o Jagdish Trambak Jhadav
R/o Khadki Ambhola,
Chalisgaon, Dist. Jalgaon

- 424 101.

31. Chandrakant Dinkar Badgujar
S/o dinkar Badgujar
R/o Post Lahora, Near
Grampanchayat, Lahora,
Dist. Jalgaon.

32. Ganesh Bhikan Choudhary
S/o Bhikan Namdeo Choudhary
R/o Choudhary Wada, Teli Galli,
Near Railway Station Chalisgaon,
Dist. Jalgaon - 424 101.

33. Anil Fakira Sonar
R/o Near Post Office,
Pachora Dist. Jalgaon.

34. Mahesh Gopichand Patil
S/o Gopichand Patil
R/o Near Pachora Railway
Station, Jalgaon.

35. Bhagwat Ruprao Jadhav
S/o Ruprao Uttamrao Jadhav
R/o Post Shirpur Jain,
Tq. Malegaon, Dist. Washim
- 444 504.

36. Hirasing Narayan Mahajan
S/o Narayan Ramsingh Mahajan
R/o Kendriya Vidyalaya,
Odnus Factory, Bhusawal,
Dist. Jalgaon - 425 203.

37. Pravin Krushna Sonwane
S/o Krushna Sonwane
R/o Choudhary Wada,
Teli Galli, Near Railway
Station Chalisgaon,
Dist. Jalgaon - 425 401.

38. Yogiraj Vasudeorao Gahule
S/o Vasudeorao Gahule
R/o Post Savanga, Tq.
Mangrulpir, Dist. Jalgaon.

39. Ashok Shamrao Koli
S/o Shamraoshankar Koli

R/o Jainabaad, Near Shani
Mandir, Dist Jalgaon - 425 001.

40. Mahesh Ramesh Nemade
S/o Ramesh Omkar Nemade
R/o Hanuman Nagar, Tusa Zope
School, Nemade Colony,
Bhusawal Dist. Jalgaon
- 425 201.
41. Prashant Sudhakar Patil
S/o Sudhakap Raghunath Patil
R/o Post Mehrul, Patil Wada,
Tal Jalgaon, Dist. Jalgaon
- 425 001.
42. Kiran Pratap Patil
S/o Pratap Ramdas Patil
R/o Near Railway Station,
Amalner, Dist. Jalgaon
- 425 401.
43. Vijay Ananda Patil
S/o Ananda Deoram Patil
R/o Post Bangali File,
Amalner, Dist. Jalgaon
- 425 401.
44. Nitin Laxman sonwane
S/o Laxman Kautik Sonwane
R/o Kawthal, Post Chorgaon,
Tal. Dharnaon Dist.Jalgaon
- 425 103.
45. Sanjivani Dinkar Ingle
S/o Dinkar Ingle
R/o Post Shegaon,
Railway Colony, Ward No.1,
Shegaon Dist. Buldhana.
46. Raju Mohan Maharana
S/o Mohan Krishna Maharana
R/o Deshmukh Plot,
Infront of Railway Station,
Akkot, Dist. Akola - 444 101.
47. Amol Laxman Banagar
S/o. Laxman Banagar,
R/o New Bhim Nagar,

Radha Krishna, Theator,
Siddharth Chowk,
Akola - 444 001.

48. Gopal Dnyandeo Tayade
S/o Dnyandeo Kishan Tayade
R/o Tirupati World No.1,
Jalgaon, A.P. Jalgaon
Jamod, Dist. Buldhana
- 443 402.

49. Asha Shivaji Teli
D/o Shivaji Malappa Teli
R/o Ann Apurana Niwas,
Balaji Nagar, Daund,
Pune - 413 801.

50. Vikrant Yashwant Tayade
S/o Yashwant Digambar Tayade
R/o At Post Balwadi,
Tal - Raver, Dist. Jalgaon
- 425 507.

51. Vishwas Narayan Koli
S/o Narayan Dhodhu Koli
R/o A.P. Andalwadi,
Tal. Raver, Dist. Jalgaon
- 425 507.

52. Santosh Savta Kshirsagar
S/o Savta Kshirsagar
R/o A.P. Malinagar,
Gut No.2, (Datta Nagar),
Tal. Mubhirus, Dist. Solopur
- 413 108.

53. Vidya Chkradhar Bundele
R/o Santoshi Mata Hall,
Near Sanjay Sawkare Office,
Bhusawal, Dist. Jalgaon
- 425 201.

54. Kishor Vasudeo Palve
S/o Vasudeo Palve
R/o A.P. Nadgaon (Pratibha
Nagar) TQ. Bodwad,
Dist. Jalgaon - 425 310.

55. Pravin Shaligram Patil
S/o Shaligram Patil
R/o Tadwel, Near Marathi School,
Tal.- Bhusawal,
Dist. Jalgaon.
56. Satish Suresh Pawar
S/o Suresh Pawar
R/o A.P. Bhaver, Post Holnande
Tal Shirpur, Dist. Dhule
- 425 405.
57. Shaikh Rizwan Ahmed
S/o Ishtiyaque Ahmed
R/o 53, Pralhad Nagar,
Ring Road, Bhusawal,
Dist. Jalgaon - 425 201.
58. Sagar Rajulal Chavan
S/o Rajulal Jaibhu Chavan
R/o E-28, Mhada Colony,
Mahadam, Bhusawal,
Dist. Jalgaon - 425 201.
59. Nanu Vijayrao Dhawade
S/o Vijayrao Dhawade
R/o Railway North Colony,
Back to Sant Gadgebaba
High School, Bhusawal,
Dist. Jalgaon.
60. Sumesh Devidas Wankhede
S/o Devidas Pujaji Wankhede
R/o U-Bahapur, Post - Jajod,
Tal. Bahapur, Dist. Akola
- 444 007.
61. Milind Babudrao Shirsat
S/o Baburao Namdeo Shirsat
R/o Tandul Wadi, Post Poroj,
DTQ. Khamgaon,
Dist. Buldhana - 444 306.
62. Manisha Dnyaneshwar Tayade
D/o Dnyaneshwar Tayade
R/o Walmik Nagar, Kadari,
Bhusawal, Dist. Jalgaon
- 425 201.

63. Dhanajay Shamrao Wanjari
S/o Shamrao Survabh Wanjari
R/at. 7, Number Police Chowki,
Chndmari Chawl, Quarter No.418-B,
Bhusawal, Dist.Jalgaon - 524 201.

64. Gajanan Namdeorao Mhalasane
S/o Namdeorao Marotirao Mhalasane
R/o At Post Sawarna,
TQ. Amravait, Dist. Jalgaon
- 444 901.

65. Minakshi Kisnappa Koli
D/o Kisnappa Koli
R/o 80/54/61, Aliya Nagar
Ganj Peth, Near Ram Mandir,
Pune - 411 042.

66. Asha Hiralal Bawaskar
D/o Hiralal Bawaskar
R/o More Prakash Bohra,
Near Railway Hospital,
Bhimwadi, Bhusawal,
Dist. Jalgaon - 425 201.

67. Yogesh Ashok Patil
S/o Ashok Desale Patil
R/o A.P. Babuwadi,
Tal. Dhule, Dist. Jalgaon
- 424 001.

68. Vipul Arun Patil
S/o Arun Patil
R/o At Post Sutgaon,
Tal Raver
Dist. Jalgaon - 425 203.

69. Mahendra Devidas Patil
S/o Devidas Jivram Patil,
R/o At Post Vishwanath,
Tal and Dhule - 424 318.

70. Niraj Shiranprasad Yadav
S/o Shiranprasad Yadav
R/o Vishwakarma Mandir,
Near Mamji Talkies,
Awaliwada, Bhusawal,
Dist. Jalgaon - 425 201.

71. Rohit Rajkumar Yadav
S/o Rajkumar Bhagwandas Yadav
R/o Vishwakarma Mandir,
Near Mamji Talkies,
Gawaliwada, Bhusawal,
Dist. Jalgaon - 425 201.

72. Narendra Kumar Sahu
S/o Ghanshyamdas Sahu
R/o Ghanshamdas, 142,
Khandi, Bharvasagar, Jhansi
(U.P.) - 284 201.

73. Rajendra Ramesh Koli
S/o Ramesh Devram Koli
R/o A.P. Gate, Tal.
Raver, Dist. Jalgaon -
425 501.

74. Sidharth Rangrao Netkar
S/o Rangrao Gaindhali Netkar
R/o AT Post Undirkhed,
Tal Paroda, Dist. Jalgaon.

75. Narmata Dipak Tayade
D/o Dipak Tayade
R/o Railway Running Room,
Chidiya Maidan,
Khandwa (M.P.)

76. Shaikh Irfan Sk. Ibrahim
S/o Shikh Ibrahim,
Shaikh Ismail
R/o. Imliwada, Varangaon,
Tal Bhusawal, Dist. Jalgaon
- 425 305.

77. Pramod Sukhdeo Bawaskar
S/o Sukhdeo Devaji Bawaskar
R/o At Post Pimpalgaon (BK)
Tal- Bhusawal, Dist. Jalgaon
- 425 201.

78. Keshav Maroti Dayalkar
S/o Maroti Purnaji Dayalkar
R/o At Post Vengalakbad,
Tal.- Daryapur, Dist. Amravati
- 444 803.

79. Umesh Ishwar Borse
S/o Ishwar Kashiram Borse
R/o A.P. Manur (Motha),
Tal. Bodwad, Dist. Jalgaon
- 455 656.

80. Ravindra Dagdu Patil
R/o A.P. Bhawani Nagar,
Mashirabad, Tal. Bhusawal,
Dist. Jalgaon - 425 001.

81. Yogesh Mahadeo Makode
S/o Mahadeo Sugdeo Makode
R/o A.P. Matargaon,
Tal. Shegaon,
Dist. Buldhana - 444 304.

82. Rakesh Madhavrao Shinde
S/o Madhavrao Atmaram Shinde
R/o A.P. Jagmohandas Nagar
Parola, Dist. Jalgaon - 425 117.

83. Surendra Ramchandra Kamble
R/o A.P. Nandgaon Peth,
Tal. & Dist. Amravati
- 444 901.

84. Dinesh Murlidhar Mankar
S/o Murlidhar B. Mankar
R/o A.P. Mahadev Nagar,
Tal & Dist. Amravati - 444 901.

85. Amol Hanumantrao Raut
S/o Hanumantrao Raut
R/o Jani Wasti, Samta Maidan,
Badnera, Dist. Amravati
- 444 701.

86. Amol Rajendraraao Gedam
S/o Rajendraraao Gedam
R/o A.P. Narsingpur,
Yahuli Sahid, Dist. Amravati
- 444 901.

87. Prashant Kashinath
S/o Kashinath Wankhede
R/o A.P. Mothi Umbri,
Akola, Dist. Amravati
- 444 801.

88. Jitesh Murlidhar Wagh
S/o Murlidhar Shankar Wagh
R/o Junone, Tal & Dist. Dhule
- 424 311.

89. Vinod Subhash Jamdhade
S/o Subhash Shridhar Jamdhade
R/o A.P. Shivaji Nagar,
Ruikheda, Tq. Muktainagar,
Dist. Jalgaon - 425 201.

90. Nilesh Prakash Choudhary
S/o Prakash Ramdas Choudhary
R/o A.P. Moyekheda,
Digar, Tal. Jamner,
Dist. Jalgaon - 424 206.

91. Amol Laxman Sonawane
S/o Laxman Sonawane
R/o A.P. Bahapura,
Panhera, Tal-Malkapur,
Dist. Buldhana - 443 101.

92. Gajanan Devchand Zanke
S/o Devchand Maroti Zanke,
R/o Dharangaon, Tal. Malkapur,
Dist. Buldhana - 443 112.

93. Vijay Vishwanath Gaikwad
S/o Vishwanath Onkar Gaikwad
R/o. A.P. Shahunagar, Nadgaon,
Tal - Bodwad, Dist. Jalgaon
- 425 310.

94. Bhima Namdeo Raipure
S/o Namdeo Raipure
R/o A.P. Nandgaon
(Pratibha Nagar), Tal-Bodwad,
Dist. Jalgaon - 425 310.

95. Prashant Rajdhar Patil
S/o Rajdhar Patil
R/o Gut No.29, Plot No.61,
Muktainagar Road, Jalgaon
- 425 001.

96. Kapil Mansing Pardeshi
S/o Mansing Soma Pardeshi
R/o A.P. 20, Near Shahunagar,

Ashwini Shopital,
Jalgaon, Dist. Jalgaon - 425 001.

97. Sachin Santosh Bawiskar
S/o Santosh Shriram Bawiskar
R/o A.P. Bambhori, Shivramnagar,
Tal. Dharangaon, Dist. Jalgaon
- 425 002.

98. Vijay Pralhad Chaporkar
S/o Pralhad Chaporkar
R/o A.P. Nadgaon (Hanuman Nagar)
(Hanuman Nagar),
Tal - Bodwad, Dist. Jalgaon
- 425 310.

99. Fahim Abdulsattar Patel
R/o Back To Gausiya Nagar,
Near Pinjri Sir House,
Bhusawal, Dist. Jalgaon - 425 201.

100. Anuradha Jawarilal Mali
D/o Jawarilal Chintaman Mali
R/o A.P. Shivaji Nagar,
Varangaon Road,
Bhusawal, Dist. Jalgaon
- 425 201.

101. Dhiraj Madhukar Salunke
S/o Madhukar Salunke
R/o New Power House Chawl,
Railway Quarter, 477/A,
Bhusawal, Dist. Jalgaon
- 425 201.

102. Mahendra Eknath Medhe
R/o Mahadev Tekdi, Kandari,
Bhusawal, Dist. Jalgaon
- 425 201.

104. Sachin Raosaheb Shingare
S/o Raosaheb Shingare
R/o A.P. Vairag, Tq. Barshi,
Dist. Solapur - 413 402.

105. Vijay Panditrao Patil
S/o Panditrao Patil
R/o A.P. Bambrud, Tal-Panchora,
Dist.-Jalgaon - 424 105.

106. Iftekhar Ahmed
 S/o Mustaq Ahamed Shaffi
 Mohammed
 R/o Ansarulla Mohalla Masjid
 Galli No.2, Opp Bagwan Hall,
 Bhusawal, Dist. Jalgaon
 - 425 201.

107. Pramodkumar Dinkar Kumbhar
 R/o Jyoti Building,
 Room No.3, M.S.E.B. Colony,
 Old Mill Compound,
 Murari Peth, Solapur
 - 413 402.

108. Nilesh Vasantrao Patil
 S/o Vasantrao Patil
 R/o D.M. 2/43, Vijay
 Colony, Near Dnyesh Vidya
 Mandir, Aurangabad - 431 010.

109. Tukaram Maroti Khatal
 S/o Maroti Dattu Khatal
 R/o A.P. Ditle, Tq.Mohol,
 Dist. Solapur - 413 402.

110. Saudagar Pandurang Dongre
 S/o Pandurang Dongre,
 R/o. A.p. Tambole, Tq.Mohol,
 Dist. Solapur - 413 402.

111. Ramdas Shalikram Sonawane
 S/o Shalikram Mahadeo Sonawane,
 R/o. At Post Kanhala
 Tal-Bhusawal,
 Dist. Jalgaon - 425 201. **... Applicants**

(By Advocate Shri S.V. Marne)

Versus

1. Union of India,
 Through the Chairman
 Railway Board,
 Rail Bhavan,
 New Delhi - 110 001.

2. The General Manager
 Central Railway,

Head Quarters Office,
CSTM, Mumbai - 400 001. . . . **Respondents**

(By Advocate Shri V.S. Masurkar)

OA No.47/2016

1. Sandeep Janardan Jogale
R/at. Chorawale,
Post : Wakas, Taluka
- Karjat, District
- Raigad, Pin Code
- 410 101.
State of Maharashtra.
2. Sagar Ramakant Chalke
R/at. 308, Sahyadri Niwas
Building No.308, Dongari,
Sandhurst Road,
Mumbai - 400 009.
3. Priti Suresh Padol
R/at. Village and Post
- Sinnar Fata, Samangaon
Road, Nashik,
State of Maharashtra,
Pin Code - 422 101.
4. Avinash Sudam Bagul
R/at. Chandanwadi,
Shindewadi, Manmad,
Taluka - Nandgaon,
District - Nashik,
Pin Code - 423 104.
5. Dnyaneshwar Somnath Shinde
R/at. Anakwade, Post -
Vanjarwadi, Taluka -
Nandgaon, District : Nashik,
State of Maharashtra
Pin Code - 423 104.
6. Kishor Ashok Darade
R/at. Nandgaon Road,
Near Telephone Exchange,
Manmad, Taluka - Nandgaon,
District - Nashik,
State of Maharashtra
Pin Code - 423 104.

7. Ramdas Chintaman Mankar
R/at. Village - Chadegaon,
Post - Eklachra,
Taluka - Nashik,
District - Nashik,
State of Maharashtra,
Pin Code - 422 101.
8. Kiran Arun Khandekar
R/at. Village and Post
- Mahalkheda, Taluka
- Yeola, District - Nashik,
Pin Code - 423 401.
9. Somnath Mahadu Ghuge
R/at. Village and Post
- Kotamgaon, Taluka - Nashik,
District - Nashik - 422 105,
State of Maharashtra.
10. Anand Vilas Nikam
R/at. Plot No.113,
Datta Mandir Road,
Near Maruti Manmad,
Taluka - Nandgaon,
District - Nashik,
State of Maharashtra,
Pin Code - 423 104.
11. Govind Narayan Thorat
R/at. Chorawale, Post
: Plot No.24, Sadguru
Nagar No.2, Dasak Jail Road,
Nasik Road, Pin Code -
422 101, State of Maharashtra.
12. Shweta Rajendra Daware
R/at. Room No.RB-2/218,
Co.op Housing, TMW Colony,
Eaklahara Road, Nasik Road,
Nashik, State of Maharashtra,
Pin Code - 422 101.
13. Pankaj Tukaram Ambole
R/at. Plot No.70,
Near Santnirankar Bhavan,
Teacher Colony, Manmad,
Madhav Nagar, Taluka -
Nandgaon, District - Nasik,

State of Maharashtra
- 423 104.

14. Kamini Amrut Vadile
R/at. 2/5, Pawarnocha
Pada Kalyan, Taluka
- Kalyan, District - Thane,
State of Maharashtra,
Pin Code - 421 301.
15. Rajeshkumar Parasappa Bajantri
R/at. Village and Post -
Ahirawadi, Taluka - South
- Solapur, District - Solapur,
State of Maharashtra,
Pin Code - 413 215.
16. Santosh Hansdas Bhoyar
R/at. Hiwari Lay-out Nagpur,
Wathdo Road, Post - Lakadgaje,
Taluka - Nagpur,
District - Nagpur,
State of Maharashtra,
Pin Code - 440 008.
17. Swami Bandappa Ashok
R/at. Village and Post
- Sawargaon (Thot)
Taluka - Ahmadnagar,
District - Latur,
State of Maharashtra,
Pin Code - 413 515.
18. Shilpa Chandrashekhar Sankavaru
R/at. Behind Suraj Lodge,
181/45-Milind Nagar, Budhwar Peth,
Solapur, State of Maharashtra,
Pin Code - 413 002.
19. Priti Vithal Kolhe
R/at. Gayatri Colony,
Shanstri Ward, Pandurna,
Taluka - Pandurna,
District - Chhindwara,
Madhya Pradesh,
Betul - Pin Code
- 460 001.

20. Manojkumar Bhagvan Patil
R/at. Village and Post
- Biladi, Taluka - Dhule,
District - Dhule,
State of Maharashtra,
Pin Code - 424 005.
21. Yograj Laxman Gawali
R/at. Village and Post
- Nakane, Taluka - Dhule,
District - Dhule,
State of Maharashtra,
Pin Code - 424 001.
22. Ravindra Namdev Bhoir
R/at. Village - Girnare,
Post - Igatpuri, Taluka
- Igatpuri, District - Nashik,
State of Maharashtra,
Pin Code - 422 403.
23. Vankar Mohnit Kumar Punambhai
R/at. Tundav, Taluka - Unjha,
District - Mehsana,
Gujarat, Pin Code - 384 170.
24. Daniel Gunti
R/at. H.No.41/b,
Chalukya Nagar, Gabad Road,
Hubli - 580 020.
Karnataka State.
25. Yogesh Sukraj Gite
R/at. Ramraonagar,
Post - Ghoti, Taluka - Igatpuri,
District - Nashik,
Pin Code - 422 402,
State of Maharashtra.
26. Santosh Machindranath Ghiratkar
R/at. Village and Post - Palsa,
Taluka - Khadgaon,
District : Nanded,
State of Maharashtra,
Pin Code - 431 712.
27. Navnathh Prabhakar Katkade
R/at. Village - Jamgaon,
Post - Paste, Taluka - Sinner,

District - Nashik - 422 103.

28. Manisha Bhagawan Kekan
R/at. Moreshwar Pawar Chawl,
Room No.3, Hari Om Nagar,
Opp. Namaskar Mandal,
Agra Road, Kalyan (West)
District - Thane,
State of Maharashtra - 421 301.
29. Poonam Balu Solase
R/at. Budhalwadi, Manmad,
Taluka - Nandgaon,
District - Nashik,
Pin Code - 423 104
30. Nana Shankar Rakh
R/at. Village - Karhi,
Post - Manmad, Taluka - Nandgaon,
District - Nashik,
State of Maharashtra
Pin Code - 423 104.
31. Rajeshkumar Brijbhushan Ahirwar
R/at. Flat No.3, Ashwanti CHS Ltd.,
Opp. Nilesh Bungalow, Hanuman Nagar,
Kalyan (East), State of Maharashtra,
Pin Code - 421 306.
32. Sandeep Kumar Rajendra Pal
R/at. Room No.3, Vishwakarma
Society Chawl, Nari Sena Sadan
Road, Asalpa, Ghatkopar (West),
Mumbai - 400 084.
33. Ritesh Santosh Kondvilkar
R/at. Plot No.220,
Room No.12, Ajinkyा
CHS Sector No.2,
Charkop, Kandivali (West),
Mumbai - 400 067.
34. Sunil Sambhaji Patil
R/at. Village and Post -
Nakane, Taluka - Dhule,
District - Dhule,
State of Maharashtra,
Pin Code - 424 002.

35. Mangesh Shrikant Gurav
R/at. Divya EA UVST Mumbra,
Plaza Apartment, B-Wing,
Room No. One-H, Taluka Thane,
District - Thane,
Pin Code - 400 612,
State of Maharashtra.
36. Pradipkumar Rameswar Sinh
R/at. Shivrana Ka Bass,
Taluka - Laxmangarh,
District - Sikar,
Rajasthan - 332 311.
37. Jyoti Kisan Gaikwad
R/at. Near Maharashtra Tarun
Mandal, 6341, Kashiwadi Bhavani
Peth, Pune - 411 042.
38. Gita Zelu Neman
R/at. C/180, Siddik Mansion,
4th Floor, Near Minerva,
Dr. D.D. Marg, Lamington Road,
Mumbai - 400 007.
39. Purnima Bhikari Shende
R/at. C/o Shri B.K. Shende,
Retd.Rly Gaurd, T.B. Tolly,
Vidya Nagar Colony,
Ward No.1, Gondiya District,
State of Maharashtra,
Pin Code - 441 601.
40. Pradhan Shantosh Dagadu
R/at. Siddheshwar Nagar,
Taluka - Bhusaval,
District - Jalgaon,
State of Maharashtra,
Pin Code - 425 305.
41. Avinash Pralhad Gunjal
R/at. Village and Post -
Bhahur, Taluka - Chalisgaon,
District : Jalgaon,
Pin Code - 424 106,
State of Maharashtra.
42. Somnath Vishwanath Kaitake
R/at. Village and Post -

Pimpalgaon Pisa, Taluka
- Shirgonda, District - Ahmadnagar,
State of Maharashtra,
Pin Code - 413 703.

43. Sachin Prabhakar Jadahv
R/at. Mehra Plot,
Anand Galli, P.L. Lokhande Marg,
Taluka - Chembur, District
- 400 089, State of Maharashtra.

44. Arun Vithale Adalinge
R/at. Village - Bitale,
Taluka - Mohal, Solapur,
Pin Code - 413 214,
State of Maharashtra.

45. Bandekar Sainath Subhash
R/at. 485/2, Budhawar Peth,
Wadan Galli, Taluka - Solapur,
District - Solapur,
Pin Code - 413 002.

46. Deepak Baraku Adole
R/at. Village - Bortembhe,
Taluka - Igatpuri,
District - Nashik,
Pin Code - 422 403,
State of Maharashtra.

47. Bharat Vithal Khadekar
R/at. Borgaon (Neral),
Taluka - Karjat,
District - Raigad,
State of Maharashtra,
Pin Code : 410 101.

48. Rekha Laxman Raut
R/at. 58, Bapuji Nagar,
Raut Wasti, Manjrewadi,
Taluka - Solapur,
District - Solapur,
State of Maharashtra
Pin Code - 413 004.

49. Siddheshwar Vivekanand Swami
R/at. 67, Swami Vivekanand Nagar,
Opp. Airport, Solapur,
Pin Code - 412 224,

State of Maharashtra.

50. Sanjeev Kumar Chandrasha Manjalekar
R/at. Flat No.105, Hatture Vasti,
Laxman Nagar, Manjiewadi, Solapur,
State of Maharashtra,
Pin Code - 423 224.
51. Prakash Rajaram Bhowad
R/at. Pawar Chawl, R.No.06,
Talav Pada, New Shivaji Nagar,
Kalwa (East), Thane,
State of Maharashtra
Pin Code - 400 605.
52. Dinesh Subhash Dalavi
R/at. Post - Atgaon,
Taluka - Shahapur,
District - Thane - 421 601.
State of Maharashtra.
53. Sanket Chandrakant Meher
R/at. Village - Post : Kalamb,
Taluka - Vasai, District - Palghar,
Nalasopara (West),
State of Maharashtra,
Pin Code - 401 304.
54. Sandeep Kumar Sitaram Pawar
R/at. Village - Nahiya,
Post - Nahiya,
Taluka - Betul, District - Betul,
Madhya Pradesh, Pin Code - 460 551.
55. Lalit Kumar
R/at. Block-Amla, Post-Toranwada,
Taluka, Amla, District, Betul,
Madhya Pradesh,
Pin Code - 460 551.
56. Ramkishor Patle
R/at. 7/2, Ward No.1, Village
- Salhe, Post - Kosmi,
Taluka - Barghat,
District - Seoni,
State - Madhya Pradesh,
Pin Code - 480 667.

57. Dharmendra Savner
R/at. 44012, P.H. No.0-57,
Village- Badora, Post-Badora,
Taluka - Betul,
District - Betul,
Madhya Pradesh, Pin Code - 460 001.

58. Varsha Rambhau Pawar
R/at. Ward No.25, Soni Ki Chawl,
Village - Ramnagar,
Post - Betul Ganjbetul,
Taluka - Betul, District - Betul,
State - Madhya Pradesh,
Pin Code - 460 001.

59. Sanjay Pawar
R/at. Village - Bodkhi,
Post - Bodkhki Depot,
Taluka - Amla,
District - Betul,
Pin Code - 460 553.

60. Vhanamane Sachin Balasaheb
R/at. Village - Shirwal,
Post - Kanbas, Taluka - South-
Solapur, District - Solapur
- 413 215, State of Maharashtra.

61. Keshav Balkrushna Dongare
R/at. Karhi, Post - Manmad,
Taluka Nandgaon,
District - Nashik,
Pin Code - 423 104,
State of Maharashtra.

62. Pundalik Dubhase
R/at. Mokhada, Taluka - Mokhada,
District - Thane,
State of Maharashtra,
Pin Code - 401 604.

63. Nandita Namdev Sonawane
R/at. 3, Girija Housing
Society, Near N.S.E.B. Colony,
Jairoad, Shivaji Nagar,
Nashik Road - 422 101.

64. Balvan Thori
R/at. V.P.O. Chowk,

Shardarpura Bas,
 Taluka - Nohar,
 District - Hanumangurh,
 Pin Code - 335 523.

65. Shantanu Manohar Bhavsar
 R/at. 3 Pratap Mill Chawl,
 Station Road, Amainer,
 District : Jalgaon,
 State of Maharashtra.
 Pin Code - 425 401.

66. Jyoti Anant Sonawane
 R/at. Village - Kasara,
 Taluka - Shahapur,
 District - Thana,
 State of Maharashtra.

67. Dakshata Madhukar Haryan
 R/at. 6/606, Nekjet Maratha
 Sadan, T.B. Kadam Road,
 Chinchpokli,
 Mumbai - 400 027,
 State Maharashtra.

68. Prabhakar Vilas Chavhan
 R/at. Post - Wathar Station,
 Taluka - Karegaon, District
 : Satara, State of Maharashtra,
 Pin Code - 415 524.

69. Suresh Bhikaji Kurhade
 R/at. Baragaon Pimpari,
 Taluka - Shinnar,
 District - Nashik,
 State Maharashtra,
 Pin Code - 422 103. ... **Applicants**

(By Advocate Shri R.G. Walia)

Versus

1. Union of India
 Through the Chairman
 Railway Board, Rail Bhavan,
 New Delhi - 110 001.

2. The General Manager
 Central Railway,

Head Quarter Office,
 CSTM, Mumbai - 400 001.

3. Chief Personnel Officer,
 Central Railway, HQR. Office
 CST, Mumbai - 400 001. **Respondents**

(By Advocate Shri V.S. Masurkar)

OA No.299/2016

1. Shri Sachin Bhimrao Mahajan
 S.C. R/at Gandhi Nagar Bramhapuri,
 Tah. Brahmapuri Dist.
 Chandrapur 441 206.
2. Ku. Preeti Shanilal Chaukikar
 S.C. R/at Jau Prakash Ward,
 Garg Colony, Near Hanuman
 Mandir, Betul, M.P. 460 001.
3. Shri Anil Kuwarlal Gadge
 OBC, R/AT Lapajhi Po.Mathani
 Dist Betul M.P. 460 001.
4. Shri Shyam Kumar S/o Baliram Narware,
 OBC, R/at Po. Andhariya T. Block,
 Amla Dist. Betul, M.P. 460 001.
5. Shri Haridayal Kalloo Kapse
 OBC, R/at Po. Kanojiya, Near Amla
 Dist. Betul M.P. 460 001.
6. Shri Sanjay Kumar Munshilal
 OBC, R/at Po. Rondha Dist. Betul.
 M.P. 460 001.
7. Shri Satish Kumar Suratlal Rawat,
 OBC, R/at Po Kanojiya, Block Amla
 Dist. Betul M.P. 460 001.
8. Shri Pravin Suratlal Rawat
 OBC, R/at Po Kanojiya, Block-TH
 Amla Dist. Betul M.P. 460 001.
9. Ranjita Gayaprasad Malviya
 OBC, R/at Abhay Nagar,
 Electric DP Plot No.82,
 Jaunjad Layout, Nagpur 440 027.

10. Raju Pawan Dongardiye
 OBC, R/at Central Railway Sports
 Ground (Old) Near Railway Institute,
 Ajni, Nagpur 440 003.

11. Ravindra Devaji Shahu
 OBC, R/at Central Railway Sports
 Ground (Old) Near Railway Institute,
 Ajni, Nagpur 440 003.

12. Sachin Ramchandrajji Mate
 OBC, R/at Sevadal Nagar,
 Manewada, Besa Road,
 Nagpur 440 027.

13. Ashwin Sanjay Bagul
 SC, R/at Ajni Railway Quarter
 No.-RBII 352 (J), Near St. Anthony
 High School, Nagpur 440 003.

14. Dharmendra Guru Rodle
 OBC, R/at P.O. Godhani,
 T Block, Nagpur 440 003.

15. Shri Jitendra Pawar
 OBC, R/at Maramjhli, P.O. Bharat
 Bharti Dist. Baitul, MP 460 001.

16. Shri Satish Subhashrao Mahajan
 OBC, R/at 80 Kashirsamudra,
 P.O. Yelkeli, Tah. Selu,
 Dist. Wardha 442 001.

17. Anup Gulabrao Wankhede
 R/at 10, Swarnamaya Nagri,
 Behind Petrol Pump, Godhni (Railway)
 Nagpur 441 111.

18. Lakanlal Gaurishankar Sahu
 R/at Azad Ward, Bada Mohalla,
 Amarwada, Dist. Chinwara
 (MP) 480 221. ... **Applicants**

(By Advocate Shri M.M. Sudame)

Versus

1. Union of India,

Through the Secretary to
 the Govt. of India,
 Ministry of Railways,
 Rail Bhawan, New Delhi 110 001.

2. The Railway Board through Project its Chairman, Rail Bhawan New Delhi 110 001.
3. The Chief Project Manager (Conversion) Good Shed, Wadibandar, P 'D' Mello Road, Mumbai 440 010.
4. Chief Personnel Manager, Railway Recruitment Cell, Chief Project Manager's Office Building, Wadibandar, P'D' Mello Road, Mumbai 400 010.
5. General Manager, Central Railway, CST, Mumbai 400 001. **Respondents**

(By Advocate Shri V.S. Masurkar)

OA No.555/2015

1. Sameer Anant Mandke
 G.D. Ambedkar Marg, Marwadiwadi,
 Chawl No. 3, Room No. 37, Parel,
 Mumbai 400012.
2. Rashmi Arun Avasarkar
 Chawl 1/3, Omkar Soc.,
 Katemanawali,
 Kalyan (East), Vitthalwadi 421306.
3. Poonam Devidas Patiyan
 311/B, Shivratna Bldg.,
 S.B. Pawar Marg,
 Curry Road, Mumbai 400013.
4. Pundlik Prabhakar Bhangare
 Shashi Niwas, Adarsh Lane,
 Jawahar Nagar,
 Khar (East), Mumbai 400051.

5. Kartar Chaudhary
Post-Tilonia, Taluka- Kishan Garh,
Jila-Ajmer, Rajasthan 30581.
6. Roshanlal Laxman Ram
Bayana Gate, Tatpo-Vair,
Jila- Bharatpur,
Rajasthan 321408.
7. Bhagyashri Dattatray Katkar
Room No. 356, Sushil Nagar,
Vijaypur Road, Solapur,
Maharashtra Pin Code 413004.
8. Kalpana Prakash Gole
Somaiya Building, Room No. 11,
1st floor, Near Datta Mandir,
Joshibaug, Kalyan (W),
Pin Code-421301.
9. Shilpa Nityanand Walvekar
MS/RB-I/12/1, Central Railway,
Quarters, Kurla-East,
Mumbai 400024.
10. Trupti Suresh Patil,
Vaidya A/11, Shraddha Apt,
Phoolpada Road,
Next to Aai Bungalow
Moreshwar Nagar,
Virar (West), 401303.
11. Vidya Chandrakant Kamble
B.D.D. Chawl, No. /14/66,
S.S. Amritwar Marg,
Worli, Mumbai 400018.
12. Meena Vitthal Gaikwad,
509/B, Vishnu Buidling,
5th Floor, N.M. Joshi Marg,
(Bakari Adda), Byculla,
Mumbai 400 011.
13. Sarita Manohar Gaikar,
Jamanadas Prabhudas Chawl, No.2,
Room No.1, N.S. Mankikar Marg,
Sion, Mumbai 400022.
14. Yogita Eknath Phate

Vitthal Krupa Soc. Behind
Manisha Palace Near Vitthal
Nagar, Mharalgaon,
Post Varup, Tal:- Kalyan,
Dist:- Thane-421301.

15. Neelima Ramesh Saidane
C/o. Ramesh Bhagwan Saidane
Satyasaibaba Colony,
Plot No. 142,
Behind Vidyavardhini College,
Sakri Road, Dhule 424005.
16. Hemlata Gopichand Jadhav
Room No. 304, C-Wing,
Metro Residency,
Opp Manav Park, Rameshwadi,
Badlapur- 421 503.
17. Shubhangi Madhukar Kasbe
Matunga Labour Camp,
New Bldg No. 4, Room No. 13,
Dr. Ambedkar Road(1963)'S Block,
Mumbai 400019.
18. Reshma Chandrakant Kamble
Worli Bhavan Chawl,
B.No. 6, R. No. 12,
Century Niwas, P.B. Marg,
Mumbai 400030.
19. Sangita Bhimrao Kamble
Narayan Nagar, Co-op
Hos. Soc., R No. 21,
Near Hanuman Nagar,
Near Prabhu General Store,
Katemanavali, Kalyan (E) 421 306.
20. Swapnali Atmaram Pawar
Lokmanya Nagar, Pada No. 4,
Gurukripa Apt.,
3rd floor, Room No. 306,
Thane (West) 400 606.
21. Namrata Jalindar Sonawane
75/B, R No. 2A, Edenwala Chawl.
Elphinstone Road,
J.B. Marg, Mumbai 400025.

22. Sonawane Nanda Jagannath
16/207, LIG Colony, Kokan Vasahat,
Opp Birla College, Kalyan (West),
Thane 421 306.
23. Rekha Vasant Zende,
Ashtvinayak Colony, Chawl No. 93,
Room No. 29, Wakarikar Road,
Worli, Mumbai 18.
24. Sushma Sumod Kamble
BDD Chawl No. 93, Room No. 29,
Wakarikar Road, Worli, Mumbai-18.
25. Jyoti Deepak Budar
Dinabai Parshi Chawl, Room No. 11,
Shankarwadi, Opp. Western Express
Highway, Jogeshwari (East),
Mumbai-400060.
26. Vaishali Pandharinath Chitte
Shree Sai Ganesh CHS Bldg, No. 3,
3rd Floor, Room No. 313,
Ambrekar Nagar,
RD No.8, Andheri (East),
Mumbai-400013.
27. Atul Arjun Kene
At Nimbavali, Tal- Kalyan,
Dist- Thane,
Post- Khadavali- 421301.
28. Narayan Shivram Hullule
At PO- Vadgaon,
Pingavyaya, Nashik,
Maharashtra- 422502.
29. Rahul Vasant Nafade
At Post- Korpawali,
Tal:- Yawal, Dist:
Jalgaon, Maharashtra- 425301.
30. Rahul Suryakant Dharme
At Post Kewad, Tal:- Madha,
Dist:- Solapur 413209.
31. Dasharath Uttam Dharme
At Post Kewad, Tal:- Madha,
Dist:- Solapur 413209.

32. Vilas Sambhaji Mali
At Post:- Mallipeth,
Tal:- Mohol,
Dist- Solapur-413214.
33. Arjun Soma Shinde
At Post:- Mallipeth,
Tal:- Mohol,
Dist- Solapur-413214.
34. Sanjay Pundlik Birajdar
At Post Bori Umarge,
Tal- Akkalkot,
Dist- Solapur 413216.
35. Prashant Ashok Ghodke
Anandnagar, Nandgaon,
Dist- Nashik-423106.
36. Sanjay Sampat Gaikwad
At Post Dhandarphallk,
Tal- Sangamner,
Dist-Ahmadnagar-422605.
37. Sayyed Shahnawaz Sayyed Saleem
C/o. MS/RB/II/01/02,
Railway Quarters,
Sector No.22, Juinagar,
Navi Mumbai 400 706.
38. Nilesh Mahadev Thombre
At Post Koporde,
Tal- Khandala,
Dist Satara- 415521.
39. Rajkumar Appaji Karade
At Karadwadi, Post-Andori,
Tal- Khandala,
Dist-Satara-415521.
40. Yogesh Uttam Bogir
At Post- Hiswahal (B),
Tal- Nandgaon,
Dist-Nashik-423106.
41. Pawan Manohar Darade
Shivaji Nagar No. 2,
Kekar Nagar,
Rapli Road, Manmad- 423104.

42. Balu Jibhau Pomnar
Chondhi, Post-Jalgaon (N),
Tal-Malegaon,
Dist Nashik- 423203.

43. Ganesh Khandu Doke
Varandavan Chawl, Room No. 4,
Gaondevi, Mandir,
Gaondevi Road,
Ghatkopar (W), Mumbai 400 086.

44. Goraknath Chandrakant Mokal,
At Post Hamarpur,
Tal-Pen, Dist- Raigad- 402107.

45. Ramesh Biharilal Kuwar
At PostDhuliya,
Building No. 29,
Room No. 12, Dhule- 424101.

46. Sachin Laxman Kumbhar
Survey No. 14, C8/10,
Sambhaji Nagar,
Dhanakwadi, Pune 411043.

47. Jairam Saini
Village-Gura,
P.O. Gura Ponkh Tehsil
Udapurwati, Dist-Jhunjhunu,
State Rajasthan 333053.

48. Dipak Janardhan Patil,
At Saigaon, Post- Dugadfata,
Tal- Bhiwandi,
Dist- Thane- 421302.

49. Kalpesh Ramakant Patil
At Masad(Bu), Post-Shrki,
Tal- Pen, Dist Raigad- 402107.

50. Vinayak Pandurang Sutar
At Baj Tal- Jath,
Dist- Sangli- 416402.

51. Rupesh Vishnu Patil,
At- Mhatardi Gaon, Post- Diva,
Dist Thane 400612.

52. Shamrao Baburao Aher
At-Hiswal Khurd,

Tal-Nandgaon,
Dist Nashik 423104.

53. Anil Madhukar Koli
At-Post Nardana,
Tal- Shindkheda,
Dist- Dhule 425404.
54. Ramdas Dattaram Pondkhule
At Post Nimgaon Kulu,
Tal- Shrigonda,
Dist Ahmadanagar - 414701.
55. Sunil Shivaji Madane
At Post- Bhosare,
Tal- Madha,
Dist Solapur 413208.
57. Ganesh Vijay Kolkurdi
205/22, Telurigi Pachha Peth,
Solapur- 413005.
58. Kiran Shankar Jadhav
At- Akole, Post- Gunjegaon,
Tal- South Solapur
Dist- Solapur.
59. Ankush Rameshchandra Gaikwad
A/P. Settlement Free, Co-6,
Solapur 413001.
60. Gopi Vithoba Dussa
Markandaya Nagar,
Kumtha Naka
Solapur- 413002.
61. Dilip Vilas Kalkeri
78, Budhwar Peth,
Wadar Galli,
Dist Solapur 413002.
62. Padmabhushan Prakash Patkar
103, Subham Appt. Barrej Road,
Badlapur (W), Dist- Thane.
63. Umesh Shivram Dhuri
At Post- Choratha,
Tal- Sawantwadi,
Dist- Sindhudurga- 416510.

64. Vijay Tukaram Ghonde
Kolgaon, tal- Shrigonda,
Dist- Ahmadanagar- 413728.

65. Kanhaiyalal Jankiprasad Kushwaha
Behind Krishna Hotel,
Near Gurukripa Kirana
Store, Motipura, Himmatnagar,
Dist- Sabarkantha,
Gujarat- 383001.

66. Chandubhai Chhanabhai Gamba
At- Thangadh,
Nr. Jagadamba Potri,
Above-Dhhar, Opp. Railway Stn.
Tal- Chotila,
Dist- Surendra Nagar,
Gujarat- 363530.

67. Chauhan Naxirmohammad Rafikbhai,
TO-Wadhwan, Abolpir Chowk
Vanand Street, Surendranagar,
Wadhwan- 363030,
Dist- Surendranagar- Gujarat.

68. Bipin Amar Meher
At-Rangaon,
Ramali(W) Post, Taluka-
Vasai, Vasai(W),
Dist-Thane-401201.

69. Sachin Lahurao Kandale,
At Post- Rajuri, Tal- Jamkhed,
Dist- Ahmednagar- 413204.

70. Yogesh Lalchand Yadav,
Sun Mill Lane,
Magan Baug Chawl, Room No. 1,
Jain Mandir,
Near Lower Parel (W),
Mumbai 400013.

71. Rajnish Kumar Ramgopal
Village-Dhangerwas,
P.O. Bhojasar, Tal-Bhadra,
Dist- Hanumangarh,
State- Rajasthan- 335501.

72. Ganesh Nivruti Sangle
At Post Panewadi, Post- Nagpur,
Tal- Nandgaon,
Dist- Nashik- 423104.

73. Mukesh Kumar Gurjar
Gram-Luharkheda,
Post-Uerden,
Tehsil- Todabhim,
Dist- Karoli-322238,
Rajasthan.

74. Ravesh Krishna Badad
Laxmi Chawl No. 1, Room No. 8,
Majaswadi, Jogeshwari (E),
Mumbai 400060.

75. Kamal Vasant Chandale
274, AA Veer Savarkar Marg,
Bugade Wadi, Shivaji Park,
Dadar (W) Mumbai 28.

76. Nilesh Balkrishna Bambade
Shramjivi Nagrik So.,
Near Gupta Store,
Vitha Rakhumai Mandir,
Ganesh Patil Wadi No. 2,
Ghatta, Chembur, Mumbai 71.

77. Mangesh Manohar Pise
Jay Bharat Society,
Vikas Mandal,
Golibar Colony, Patel Nagar,
Santacruz (East),
Mumbai 400055.

78. Bhagwan Ram Saini
Gaon-Guda, Vai-Poukh,
Tal- Uday Purvati,
Jilla-Zunzun, Rajasthan- 333053.

79. Anita Dattugir Gosavi,
Room No.2, Jayram Master Chawl,
Near Gaondevi Mandir Atali Gaon,
Ambivali (W), Kalyan- 421102.

80. Sandeep Madhukar Sonawane
New Police Line Building No. 8,
Room No. 25,

Tardeo, Mumbai 400034.

81. Bendke Chindha Damu
At Post Pimparel,
Post- Wakhadi,
Taluka- Nandgaon,
Dist Nashik- 423106.
82. Somnath Uddhav Hirekar
At Post Rohini, Tal- Chalidgaon,
Dist- Jalgaon,
Maharashtra- 424108.
83. Yogesh Karbhari Ghuge
14 No School, Camp No. 02,
Manmad, Dist- Nashik.
84. Sandip Daibhau Wagh
At Post Kadone, Tal- Shinkheda,
Dist- Dhule- 425406.
85. Manoj Bhaurao Saner
At- Ajanale, Post- Dadalde,
Tal-Dist Dhule- 424302.
86. Vijay Ramchandra Jedage
Mohite Patil Nagar, 'A' Ward,
Chawl No. 18, Room No. 17,
Ghatkopar Link Road, Mankhurd,
Mumbai- 400043.
87. Gurunath Janu Nichite
At Pundhe, PO- Atgaon,
Tal- Shahapur, Thane- 421301.
88. Rajesh Vijaynath Bind
M.J. Fule Nagar, H.T. Market,
Powai, Mumbai 400 076.
89. Deepali Sakhararam Jadhav
Haribhau Godambe Chawl,
Near Hanuman Temple,
Joshi Baug,
Kalyan (W), Pin code- 421301.
90. Hiraram Shree Surja Ram
Village- Jhilawadi Dhani,
Post- Kasimpura Vai Bagar,
Dist-Jhunjhunu,
Rajasthan- 333023.

91. Chetan Sadanand Nijai
Post- Kalamb, Tal- Vasai,
Dist Palghar,
Nalasopara (West),
Ganesh Nagar- 401304.
92. Manohar Bhaskar Bhosale
Bhosale Wada (Krantinagar),
Nandgaon Tal-Nandgaon,
Dist- Nashik- 423106.
93. Naresh Eknath Kambri
At- Mulgaon, Post- Chargaon,
Tal- Ambernath,
Dist- Thane-421503.
94. Sachin Yashwant Mengal
At Kanhor, Post- Badlapur,
Tal- Ambernath,
Dist- Thane-421503.
95. Anil Kanhu Marke
At-Markewadi, Post- Kadav,
Tal- Karjat,
Dist- Raigad- 410201.
96. Kiran Ganesh Fegade
Vyas Nagar, Manohar Building,
Borewell Gate, Yawal,
Dist- Jalgaon,
Pin-425301.
97. Deepak Ganesh Jagtap
13, Tadiwala Road,
Near Shirkez Tailors,
Pune- 411 001.
98. Dhanraj Ranchhod Bhalerao
At-Kolwad, Post- Satod,
Tal- Tawal,
Dist- Jalgaon-425301.
99. Vikas Chandrakant Phale
1/7 Ordance Estate, Ambernath
Thane-421502.
100. Khandare Trymbak Kamaji
At-Talani, Post & Tal- Sengaon,
Hingoli- 431542.

101. Pravin Arun More
At- Post- Bhurungwadi
(Bhilwadi Stn)
Tal- Palus,
Dist- Sangli - 416303.
102. Suraj Parashuram Kamble
Railway Kolhapur Chawl,
Savitri Phule,
Vasahat Miraj- 416410,
Tal- Miraj,
Dist- Sangli, Maharashtra.
103. Kharat Bandu Nagnath
A/P- Marawade, Mangalwedha,
Dist- Solapur.
104. Nilesh Shashikant Beloskar
Shri. Vitthal Krupa Apt,
C-101, Vitthal Nagar,
Mharlgaon, Post- Varap Tal,
Kalyan, Dist-Thane-421301.
105. Sunil Pundlik Lihinar
A/4, Phulwali Chawl,
Near Dr. Ambedkar Statue,
Parera Nagar, Pada No. 3,
Lokmanya Nagar,
Thane (W) - 400606.
106. Uttam Deorao Shinde
At/PO Kasara, Shivasingar,
Ward No. 6, Tal- Shahapur,
Dist-Thane-421602.
107. Gautam Bhimrao Surve
At Post- Paldhi (Pahar),
Tal- Jamner,
Dist- Jalgaon- 424205.
108. Super Sameer Hareshwar
A/T-Chatale, Post-Agarwadi,
Dist- Palghar-401102.
109. Ashok Kumar Koli
Gram-Khanpur, Post- Kariri Vai,
Todabhim, Dist-Karaoli,
Rajasthan- 321611.

110. Gejendra Chhaburao Kadam,
New Soniya Colony, 15/1,
Near Bramha Kumari Ashram,
Khadegolawali,
Vitthalwadi (East)
Kalyan- 421306.
111. Abhay Shankarrao Shinde
P.M.G.P. Colony, Bldg No. 17,
Room No. 536,
Mankhurd (W), Mumbai 43.
112. Narendra Ramnath Kapadi
Room No.12, Ganadish Chawl,
Shivsena Office Road,
Near Rameshram Palace Apt.,
Manda-Titwala, Kalyan,
Dist Thane-421605.
113. Barangule Amol Dattu
At-Vetalwadi, Tal- Madha,
Dist- Solapur.
114. Harshal Keshav Deo,
Railway Diesel Colony,
RB-I, X-3, Near City Point,
Dhole Patil Road,
Pune- 411001.
115. Shaikh Tausif Abdul Gani
Plot No. 32, Room No. 26,
Near Keshav Nagar,
Police Line, Solapur 413 003.
116. Imran Nasir Khan,
Room No. 303,
3rd Floor Grace Apartment,
K Villa Rabodi, Thane (W)-400601.
117. Shaikh Khalid Mohammad Sadik
At/Post Inglagi, Tal- Solapur,
Dist- Solapur.
118. Om Singh Bhati
Vill-Dhirera Stn,
Tal- Lunkaransar,
Dist- Bikaner State-
- Rajasthan - 334601.

119. Prabhakar Singh
Roshan Nagar, Bade Hanuman
Mandir ke pass,
R.K. Kirana Store Ke
Baju Main Katni,
Dist- Katni, State-MP-483501.
120. Siraj Sattar Shaikh
At/Post- Sangavi (BK)
Tal Akkalkot,
Dist- Solapur-413216.
121. Ramakant Kanhaiyalal Gaikwad
At/Post - Kurdu, Tal- Madha,
Dist Solapur- 413208.
122. Jalinder Nagnath Kamble
407A/P-Inglagi, Tal-South Solapur,
Dist-Solapur-413002.
123. Gajendra Singh Jat,
Village- Naiwadi,
Post- Naiwada,
Tal- Vair, Jila- Bharatpur,
Rajasthan.
124. Pralhad Sukhdeo Gangurde
At Sutarkheda, Post- Harnul,
Tal- Chandwad
Dist- Nashik- 423104.
125. Sachin Suresh Deokate
At/Post- Nyaydongari,
Dhangar Galli,
C/o. Raju Waman Shindi,
Tal- Nandgaon,
Dist- Nashik- 424109.
126. Umesh Chandrakant Bhandari
129/B, Chabirabai Chawl,
R. No. 04,
Worli Koliwada, Mumbai 30.
127. Sonali Jagannath Bhagde
Trimurti Niwas Room No. 6,
Shivaji Nagar, Valdhuni,
Kalyan, Dist-Thane,
Pin Code- 421301.
128. Bani Singh Ramprasad Jatav

Vill-Ganwadi Meena,
 Post Shri. Mahaveerji,
 Tahasil Hindaun City,
 Dist- Karauli,
 State-Rajasthan,
 Pin code- 322220.

129. Yogesh Bhagwan Desale
 Kosale, Post-Velhe,
 Taluka Kalyan,
 Dist-Thane, Pin code- 421301.

130. Dhangar Anil Sahadu
 At/Post Pohore,
 Tal Chalisgaon,
 Dist-Jalgaon, Pin Code- 424107.

131. Narhari Eknath Shelke
 Bhadval Neral, Taluka-Karjat,
 Dist-Raigad, Pin code- 410101.

132. Sandeep Bhagwan Mhatare
 Gauripada Billi College Marg,
 Near Hanuman Mandir,
 Kalyan (W) Pin 421301.

133. Ganesh Ramesh Bhagat
 Sapad Wadeghar Road,
 Kalyan (W),
 Pin Code- 421 301.

134. Raju Dhanpal Kamble
 Vijaynagar, Mehsal Railway Station,
 Taluka- Miraj, Dist- Sangli,
 Pin Code- 416 409,
 Maharashtra. **Applicants**

**(By Advocate Shri S.G. Thorat alongwith
 Shri V.S. Kokitkar)**

Versus

1. Union of India.
 Through the chairman,
 Railway Board, Rail Bhavan,
 New Delhi 110001.

2. Railway Recruitment Cell
 Central Railway, Chief Project

Manager, (CONV) 'S Office Building
 Goods Shed, Wadi Bunder, P.D. Mello Road,
 Mumbai 400 010.

3. The General Manager,
 Central Railway,
 Head Quarters Office,
 CSTM, Mumbai 400001. . . . **Respondents**

(By Advocate Shri V.S. Masurkar)

OA NO.2078/2015

1. Shri Jitendra Natthuji Dhandre
 R/o At/Po. Ajani,
 Tq. Kamptee,
 Dist. Nagpur - 441 001.
2. Shri Nandkishor Gendu Pinjare
 R/o RBI/253/B,
 Ajni, Near Mata Mandir
 Nagpur - 440 003.
3. Shri Prashant Sheshrao Dahake
 R/o. At Po. Zilpa, Tq. Katol,
 Dist. Nagpur - 441 302.
4. Shri Rakesh Rameshkumar
 R/o Plot No.216, Sawar -
 Bandhe Layout, Hudkeshwar
 Road, Sawarbandhe Mangal
 Karyalaya, Nagpur - 440 034.
5. Shri Bhola Kumar
 R/o Vill. Baisa (Itahapolhar)
 Po. Garhbanaili, Po. Jalalgarh,
 Dist. Purnea (Bihar)
 - 854 325.
6. Shri Gopal Prabhun Chaudhary
 R/o Vill. Sonu Bigha,
 Po.Kadirganj Po/Dist. Newada
 (Bihar) - 805 104.
7. Shri Nilesh Kumar Haribhau
 R/o. Kasturba Ward,
 Dasai - Ganj, Wadsa,
 Tah. Desaigang, Dist. Gadchiroli

- 441 207.

8. Shri Manoj Babanrao Ritpurkar
R/o Sant Nirankaree Bhavan,
Gondia Dist. Gondia - 441 601.

9. Shri Arjun Kumar Parsuram Muni
R/o Vill. Amai Kazi Tola,
Po. Hasan Bazar Ps. Piro,
Dish Bhojpur (Bihar)
802 204.

10. Shri Banti Dashrath Kumar Rajak
R/o. Hill Colony,
Rly. Qtr. No.38/F Dhanbad,
Po/Dist. Dhanbad,
Jharkhand - 826 002.

11. Shri Shaikh Basik Mansuri
R/o At/Po Palandon,
Teh. Chouria Dist. Chhindwara
(MP) - 480 115.

12. Shri Sadashiv Netram Kavle
R/o At Kalimati,
Tq. Amgaon, Dist. Gondia
- 441 902.

13. Shri Sunil Kumar S/o Vijay Rajak
R/o At Ramdiha, Po.Aurangabad.
Dist. Aurangabad (Bihar)
- 824 101.

14. Shri Manojkumar S/o Ram Praweshram
R/o Vill. Chauram, Po. Tarari,
Ps. Daudnagar, Dist. Aurangabad
State Bihar - 824 113.

15. Shri Prabhakar Kumar
R/o Purab Sakri Dharmashala
(Rhushi Studio) (Mujer),
Bihar - 811 201.

16. Anil Kumar s/o Lt Sarju Singh
R/o Vill. Baharar, Po.Karwandiya
Ps. Sosaram, Dist. Rohtas
(Bihar) - 821 316.

17. Shri Manoj Shankar Dharpure
R/o Gitanjali Colony,

Sec. No.02, Qtr. No.52,
Chhindwara (MP) - 480 002.

18. Shri Biranjay Kumar Sagar Sahu
R/o Vill. Lalganj, Po. Lete,
Po. Lapung, Dist. Ranchi
- Jharkhand - 835 234.
19. Shri Pramod Kumar Singh
R/o Vill Girdharia,
Po. Sheosagar, Dist. Rohtas,
Bihar - 821 111.
20. Shri Sanoj Saryug Ram Kumar
R/o Jhopari Colony, Kadam Ganch
Po. Siwandi, Po. Mara Fari
Dist. Bokarao (Jharkhand)
- 827 010.
21. Shri Babloo Kumar
S/o Tapsi Vishwakarma
R/o. Manjhiawan, Po. Chechadi,
Po. OBRA, Dist. Aurangabad,
Bihar - 824 124.
22. Shri Devchand Tikaram Khaire
R/o At Chincholi,
Po. Adhalgaon, Tq. Mohadi,
Dist. Bhandara - 441914.
23. Shri Omprakash Hasanlal Lilhare
R/o Vill/Po. Resewada,
Tah. Lanti, Dist. Balaghat
(MP), 481 224.
24. Shri Vishva Bharan Singh
R/o At. Janwara Po. Aliha
Dist. Banda, UP 210 001.
25. Shri Shanti Lal Sahdev Lilhare
R/o. Gonghai, Dist. Balaghat
(MP) 481 001.
26. Shri Raju Rajaram Wadibhasme
R/o At/Po. Mohagaon Devi,
Tah. Mohadi, Dist. Bhandara
- 441 905.

27. Shri Ganesh Gulab Tijare
R/o At Laveshwar Po. Kothurna,
Tq/Dist.Bhandara - 441 905.
28. Reetesh Kumar Amod Singhkaurav
R/o Vill Bareli, Po.Barheta,
Tq. Gadarwara Dist.Narsinghpur
(MP) - 487 551.
29. Shri Vijay Laxmi Nimkar
R/o At/Po Gowarala Ward,
Tq. Bhadrawati,
Dist. Chandrapur - 442 907.
30. Shri Amol Bhauroo Pimpalkar
R/o At/Po. Nandori,
Tq. Bhadrawati,
Dist. Chandrapur - 442907.
31. Shri Anilkumar Raghunath
R/o At. Bagholi (Tola),
Po. Birsola Tah/Dist.
Gondia - 441 614.
32. Shri Prashant Mahadev Hatwar
R/o At/Po/Tq.Lakhandur,
Dist. Bhandara - 441 803.
33. Shri Mahesh Vitthal Raut
R/o At Sawali (BU)
Po. Ridhora, Tah. Katol,
Dist. Nagpur - 441 302.
34. Shri Mangesh Tarachand Irle
R/o At/Po Gondumsi,
Tq. Sakodi, Dist.Bhandara
- 441 806.
35. Shri Bhumendra Banshi al Bhagat
R/o At/Po Arjuni Tq. Tirora,
Dist. Gondia - 441 911.
36. Shri Sandeep Damodhar Bharre
R/o At/Po Dhamangaon,
Po. Bramhapuri, Tah. Brahmapuri,
Dist. Chandrapur - 441 206.
37. Shri Ramchandra Diwakar Wadhai
R/o At/Po/Dist. Gadchiroli

(Fule Ward)

38. Shri Panne Lal S/o Ramchandra
R/o At/Po. Haraiya,
Dist. Gorakhpur - 273 203.
39. Shri Shrivkumar Yogendra Palewar
R/o At Shaharwani,
Po. Kawatewada
(Via-Gondia) Tah. Goregaon,
Dist. Gondia - 441 801.
40. Shri Rashmi Ratan Paswan
R/o Vill. Kurmawan,
Po.Kathangi, Ps.Karpi,
Dist. Arwal, (Bihar -824 235)
41. Shri Ravi Omkar Daware
R/o At Galpura Chowk,
Katol, Tq. Katol,
Dist. Nagpur - 441 302.
42. Shri Radheshyam Harishchandra
Chimurkar
R/o At Kondhi, Po.
Jawahar Nagar
Tq/Dist. Bhandara - 441 906.
43. Shri Sagar Vitthalrao Choudhary
R/o C/o V.G. Choudhary,
Plot No.40,
Chandmari, Wathoda Road,
Nagpur - 440 008.
44. Shri Mahesh Dhaniram Kapgate
R/o At/Po Bopardi,
Tq. Sadak Arjuni,
Dist. Gondia - 441 806.
45. Shri Suresh Chintaman Pardhi
R/o At/Po Sajgaon,
Th. Tirora, Dist. Gondia
- 441 014.
46. Shri Mukesh Garib Sah
R/o Andal North Bazar,
Po. Andal, Ps. Andal,
Dist. Burdwan, W.B.
- 713 321.

47. Namrata Anil Ahire
R/o Plot No.47/B,
Jai Gurudeo Nagar,
Manewada Road,
Nagpur - 440 027.
48. Hemdipa Pralay Khaparde
R/o 35, Nehru Colony,
Near Pension Nagar,
Katal Road,
Nagpur - 440 013.
49. Priti D/o Ramakant Janbandhu
R/o Balsamaj Vachanalaya,
Bhankheda Po. Mominpura,
Nagpur - 440 058.
50. Shri Hiralal Dharamraj Bisen
R/o At/Po. Tumkheda BK, Tq.
Goregaon, Dist. Gondia-441801.
51. Shri Chintu Madhukar Meshram
R/o Vaishali Nagar, LIG Qtr.
No.15, Nagpur.
52. Shri Kishor Gangadhar Chappkar
R/o At. Ghatsawali, Po. Daroda,
Dist. Wardha - 442 001.
53. Shri Nagesh Narayan Taitkar
R/o At. Nerodi Po. Kardha,
Taq. Dist. Bhandara - 441904.
54. Shri Bhaskar Gangadhar Nagpure
R/o Krushna Mandir Ward,
Bhandara Tq/Dist. Bhandara.
55. Shri Nilesh Shri Ram Tijare
R/o At/Po Dahegaon,
(Gosavi) Tq. Seloo,
Dist. Wardha.
56. Shri Sanjay Rameshrao Amle
R/o At/Po Palasgaon (Sai),
Po. Sindi (Rly) Tq. Seloo,
Dist. Wardha - 442 105.
57. Shri Sayan Omprakash Yadav
R/o Near Central Rail Hospital

Nagpur - 440 003.

58. Shri Shailesh Maikulal Kanojiya
R/o Plot No.2,
Wanjari Nagar,
Ajni Nagpur - 440 003.

59. Shri Vijay Yashwant Nanhe
R/o At/Po/Ta. Nagbhid,
Dist. Chandrapur - 441 205.

60. Shri Dinesh Kumar RekhlaL
Kolhatkar
R/o At/Po. Tedhara Dargaon,
Tq. Dist. Gondia - 441 614.

61. Shri Chetan Yeshwantrao
R/o At Po. Kattipar, Tah.
Amgaon, Dist. Gondia - 441 902.

62. Sunil Kumar Bhamshankar Suman
R/o Ramnagar, Po. Kattipar,
Tah. Amgaon, Dist. Gondia
- 441 902.

63. Shri Sunil Pandurang Banbade
R/o At Gewra Khurd,
Po. Gewra Bujrakh,
Tq. Saoli, Dist. Chandrapur
- 441 215.

64. Shri Bhimrao S/o Lalaji Badhe
R/o At/Po. Turkikhapa,
Dist. Chhindwara, MP - 480 107.

65. Shri Manishkumar Ratanlal
R/o At/Po Kattipar,
Tq. Amgaon, Dist. Gondia
- 441 902.

66. Shri Ayaz Ahmad Abdul Hafeez,
R/o Near Choti Masjid Road,
Naya Bazar, Kamptee,
Dist. Nagpur - 441 002.

67. Shri Dineshkumar Sunil
R/o At/Po. Thanegaon,
Tah. Karanja (Gha),
Dist. Wardha.

68. Shri Vishal Vasudev Babre
 R/o Nagpur - 440 034.

69. Shri Sunil Kumar S/o Shiv Ratan Chaudhary, R/o Vill. Ahmadpur, Charkawan, PO Rafiganj (Bihar) Dist. Aurangabad.

70. Shri Rakesh S/o Kashinath R/o Vill. Katya, Po.Harpur Budhat Thana Harpur Budhat, Dist. Gorakhpur UP - 273 209.

71. Shri Dilipkumar Devaji Katre R/o At. Alezari, Po. Sakoli, Tah. Tirora Dist. Gondia - 44194.

72. Shri Janardan Prasad Kushwaha R/o Vill. Katkehaja, Po. Mahuawa, Dist. East Champaran - 845 307.

73. Shri Shambhu Kumar R/o C/o Ashok Kumar Old Post Office, Station Road, Nawada Bihar - 805 110.

74. Shri Vinod Kumar Thakre R/o At/Po Koste Th. Klaraseoni, Balaghat - 481 381.

75. Shri Govind Shesrao Hake R/o. Rly. Qtr. DRM Complex, House No. 100/4, Type/I, Nanded - 431 605. . . . **Applicants**

(**By Advocate Shri M.M. Sudame**)

Versus

1. Union of India, through the Secretary to the Govt. of India, Ministry of Railways, Rail Bhawan, New Delhi - 110 001.

2. The Railway Board through Project its Chairman,

Rail Bhawan,
New Delhi - 110 001

3. The Chief Project Manager
(Conversion) Good Shed,
Wadibandar, P.D.'Mello Road,
Mumbai - 440 010.
4. Chief Personnel Manager,
Railway Recruitment Cell,
Chief Project Manager's Office,
Building, Wadibandar
P 'D'Mello Road,
Mumbai - 440 010.
5. General Manager,
Central Railway,
CST, Mumbai. **Respondents**

(By Advocate Shri V.S. Masurkar)

O R D E R

Per: Dr. Mrutyunjay Sarangi, Member (A)

The facts and points of law involved in all the five OAs are similar. Therefore, a common order is being passed in this group of OAs.

2. All the applicants in these OAs had applied for Group 'D' posts in the Railways in pursuance to the Employment Notice No.1/2007 issued by the Railway Recruitment Cell, Mumbai. They were subjected to Physical Efficiency Test (PET) and after clearing the same, they appeared for the written test. After the result of the written test was declared, they were called for verification of

documents and were issued memos for undergoing medical test. The applicants claim that they were found fit in the medical examination. It is their grievance that although seven panels have been issued for appointment by the Railways in pursuance of the Employment Notice No.1/2007, they have not been included in any panel and have not been issued orders of appointment. Aggrieved by this, the applicants have filed these OAs, praying for a direction from this Tribunal to the respondents to appoint the applicants in Group 'D' posts in Central Railway with all consequential benefits as per the merit order secured by them in the selection. They have also prayed for costs of the application to be provided.

3. The facts of the case, as they appear from the OAs, are as follows:-

3.1 The Railway Recruitment Cell had issued a notification under Employment Notice No.1/2007 (Central Railway Group 'D') with the closing date of 02.07.2007 for filling up 6413 posts. The various posts to be filled up were in the category of Gangman/Trackman, Khalasi (Engg. Mech/Elect/S&T), Khalasi/Workship, Khalasi (Stores/Govt. Admn), Platform Porter, Parcel Porter

and Safaiwala.

3.2 The educational qualification was minimum 8th class pass and the age limit was 18 to 35 years as on 01.05.2007. The age limit was to be relaxed by 5 years for SC/ST and by 3 years for OBC candidates with valid caste/community certificate. It was mentioned in the notification that applications with any of the following deficiencies, discrepancies or irregularities will be summarily rejected.

- "i) Applications not submitted in prescribed format as given in this employment notice.
- ii) Incomplete or illegible application, or applications notified with black pens/black ball point pen or applications with overwriting, cutting or earsing marks.
- iii) Unsigned/undetected application / applications without clear and un-service of thumb impression and/or without marks of identification.
- iv) Without photograph or affixing/attesting xerox copy of photograph.
- v) Different signatures in box below the photo, on application form and Personal Date Sheet.
- vi) Without Bank Draft/Postal orders of requisite values and validity.
- vii) Applications not filled in English or Hindi or not filled by candidate in his own handwriting.
- viii) Application without para GS of application form, written in candidate's own handwriting.
- ix) Without proper certificates, in respect of SC/ST/OBC and or Ex-Servicemen, certificate should be obtained from the appropriate authority in the prescribed format.
- x) Under aged/Over aged candidates.

- xi) Not having the requisite educational qualification at the time of submitting application.
- xii) Applications received 17:00 hrs. on closing date by any/means/modes.
- xiii) Photo copies of the certificates not attested by Gazetted officer.
- xiv) More than one application in one name or sent in on envelopes.
- xv) Postal Order/Bank details issued before the date of issue of Employment Notice (i.e. 17/05/2007) or with less than six months validity)
- xvi) Any other deemed irregularly."

3.3 As far as Recruitment procedure/Rules are concerned, the notification stipulated that the selection will be based on physical efficiency test (in short 'PET') followed by written examination. Candidates to a limited extent, in order of merit, out of those who obtained the prescribed minimum pass marks, will be called for medical examination of relevant standard. There will be no interview. The PET was to be conducted at any of the stations in the divisions of Mumbai, Pune, Solapur, Bhusawal and Nagpur. The appointment of the candidates was to be subject to their being found suitable after medical fitness as per rules. It was also mentioned that the selection of candidates by Railway Recruitment Cell/CR does not confer any right to the candidate for appointment. The number of vacancies shown was provisional and was liable to

be increased or decreased.

3.4 The Railways had issued guidelines for recruitment of Group 'D' staff on 18.07.2005 by which it was stipulated that the selection will consist of a Written Test followed by Physical Efficiency Test and Medical Examination. The result of written test will be declared based on the Evaluation Agency's report and scrutiny of the records. Minimum pass marks will be 40% for General candidates, 30% for SC/ST and OBC candidates. Result of written examination should be tabulated in order of merit of candidates. The number of candidates to be called for PET will be 10 times of number of vacancies. PET will be only a qualifying test and should be video recorded. Passing of PET was mandatory and the result of PET will be declared on the same day. The medical examination of the candidates who have passed the written examination and PET shall be done before their empanelment. Only those who have passed the medical examination will be included in the final merit list. Currency of the panel shall be for a period of two years from the date of publication. The General Manager may extend the life of the panel by one year in case of administrative exigencies.

3.5 The Railway Board subsequently made modification in the procedure in their notification dated 12.03.2007 as per which recruitment to Group 'D' staff would consist of a Physical Efficiency Test (PET) followed by a Written Test of the successful candidates found fit in the PET. This was a major change from the earlier recruitment procedure enumerated in the Notification dated 18.07.2005. Instead of the written test as the first stage in selection followed by PET and medical examination, the order was changed to Physical Efficiency Test being the 1st test followed by Written Test and Medical Examination. The notification also stipulated that panels will be based strictly on merit position obtained in written examination. Currency of the panel shall be for a period of two years from the date of publication and the General Manager could extend the life time of the panel by one year in case of administrative exigencies.

3.6 All the applicants in these OAs had applied in response to the Employment Notice No.1/2007 with the closing date of 02.07.2007. They were issued call letter for Physical Efficiency Test and after clearing the PET, they were issued attendance slip

for written examination. The written test was conducted on 16.10.2011. The result of the written test was declared in Employment News on different dates for different divisions. In the results declared in Employment News there was a specific mention about 20% excess being called for document verification. The relevant portion reads as follows:-

"In order to take care of the shortfall in the formation of the original panel the number of candidates being called for document verification is 20% more than the actual number of vacancies (wherever such number of candidates are available and, therefore it is made clear that merely calling a candidate for document verification does not in any way entitle him/her to an appointment in the Railways."

3.7 All the applicants were successful in the declared result of the written test. Therefore, the applicants were issued attendance slip for documents verification which was conducted on different dates at different centres. The applicants claim that during the documents verification, none of them was declared unfit. Nor anyone was orally informed that there was any mismatch or deficiency in the documents. The applicants were not aware whether candidates were called for document verification in accordance

with the merit order obtained in the written examination. The applicants claim that since the medical memo stated that the applicant was a candidate for appointment, they expected that they were already selected for appointment. The applicants underwent the medical examination at 5 different Centres namely Kalyan, Pune, Bhusawal, Nagpur and Solapur. All the candidates were issued medical fitness certificate certifying that they were considered fit for appointment. A copy of the Medical Memo and Certificate of Fitness issued to the candidates are reproduced below:-

“MEDICAL MEMO

Form to be used when a candidate is granted authority to present himself/herself for medical examination for fitness for appointment.

Department – Personnel
Office/Section: Railway Recruitment Cell,
Wadi Bunder

No.HPB/706/RRC/WB/1/2007/

To
CMS NGP

The Bearer X X X / Father's Name X X X age (as on 01-May-2007) 25 years, a candidate for appointment (Designation) Group -D class A-II and below is authorized to present himself/herself for medical examination. He/she was not previously examined by the Railway Medical Department/was examined by the Railway Medical Department was examined byon.....at and found fit/unfit in class.....vide Certificate No.....dated.....

The following is a list of permanent physical marks of

identification

- 1) B/mole on Right hand bicep
- 2) A cut mark on forehead

sd/-

Sr. Personnel Officer (RRC)
 Central Railway, Wadi Bunder
 Mumbai – 400 010.

Station-Mumbai SCT
 Date: 18.01.2012.”

“CENTRAL RAILWAY
 MEDICAL DEPARTMENT

318416

CERTIFICATE PHYSICAL FITNESS OF CANDIDATE

(Certificate to be used when a candidate is medically examined for fitness for appointment to a Railway)

(COPY FOR PAY SHEET)

Hospital/Dispensary BHUSAVAL No.....

I do hereby certify that I have examined (Name) X X X Age 26
 Candidate for Appointment as (designation) Group D
 Class-A-II & Below in the RRC-WB branch/Department fit/unfit
 for Appointment ACUITY OF VISIIION
 Whose Signature / thumb has been appended below in

I consider him fit/unfit for such appointment

Mark of Identification

- 1).....
- 2).....

Office seal

STAMP

Date – 30.12.2011

sd/-

Senior Divisional Medical Officer
 Central Railway
 Hospital Bhusawal”

3.8 Thereafter, the General Manager, Central Railway, Mumbai (Respondent No.2) started declaring

panels. The 1st Panel was declared by Respondent No.2 on 30.03.2012 followed by 2nd panel on 25.04.2012, both the panels together consisting of 4134 candidates. It was declared that the list in the panel was not as per merit. On 21.08.2012, the respondent No.2 published the 3rd Panel of 1604 candidates followed by the 4th Panel of 1744 candidates on 31.10.2012, the 5th panel of 237 candidates on 25.06.2013, the 6th panel of 19 candidates on 20.08.2013. On the same date i.e. on 20.08.2013 one more panel of 89 candidates was published under the heading 'Replacement panel against candidates empanelled earlier but not joined'.

3.9 The applicants submit that in the medical examination, 7870 candidates were subjected to medical test which 20 candidates apparently failed to clear, leaving 7850 candidates as selected for appointment at the end of the selection process. After the 7th panel a total number of 6171 were empanelled and issued appointment orders and joined the Railway services. The applicants claim that as per the information provided by the Railways, a total of 1021 candidates are still awaiting appointments. The present applicants are in the

group of the above mentioned 1021 candidates.

3.10 The Personnel Branch of the Headquarters office of Central Railway had written a letter to the Executive Director (Establishment), Railway Board on 18.09.2012 requesting them to examine the feasibility of permitting Central Railway to expand the panel to the extent of accommodating the excess eligible candidates, if necessary by transferring them to other Railways. This recommendation was made on the ground that 20% candidates over and above the number of vacancies as per merit were called for documents verification and sent for medical examination. It was also mentioned in the letter dated 18.09.2012 that while publishing the result, it was specified that to take care of the shortfall in the formation of the original panel, 20% more than the actual number of vacancies were called for documents verification making it clear that merely calling a candidate for document verification does not in any way entitle him/her to an appointment in the Railways. This letter took into account the fact that the various labour unions as well as local political outfits were pressing for appointment of the waitlisted candidates since these candidates had exhausted all

their chance for further recruitment. This was followed by another letter from the Chief Personnel Officer, Central Railway to the Secretary (Establishment), Railway Board dated 20.08.2013 stating that 1021 candidates were still awaiting recruitment and the Railway Board may assess the possibility of adjusting these extra candidates against the shortfall of Group 'D' recruitment in any other Railways where shortfall exists. Letters dated 18.09.2012 and 20.08.2013 read as follows:-

"Central Railway

Headquarters Office
Personnel Branch
CST Mumbai.

No.HPB/RRC/Recrt/Gr.'D'/2007

Date: 18.09.2012

The Executive Director (Estt) NG,
Railway Board,
New Delhi.

Sub: Recruitment of Group 'D' from Open Market.

Ref: Railway Board's letter No.E(NG)II/2009/RR-1/24/Pt.4
Dated 26.11.2010.

This Railway conducted the written test for recruitment of Group 'D' on 16.10.2011 for 6413 vacancies as per Railway Board's letter referred to above. From the qualified candidates, 7870 candidates, including 20% candidates over and above the number of vacancies as per merit in terms of Railway Board's letter No. E(NG)-II/96/RR-1/62/Vol.II dt. 17.06.2008 were called for documents verification and sent for medical examination. While publishing the result, it was specified in the Note :" In order to take care of the shortfall in the formation of the original panel the number of candidates being called for document verification is 20% more than the actual number of vacancies wherever such number of candidates are available, and therefore it is made clear that merely calling a candidate for document verification does not in any way entitle him/her to an appointment in the Railways.

However, the local political Outfits are vigorously pressing that these 20% excess candidates, particularly those belonging to Maharashtra should also be included in the panel on the plea that by conducting the Medical Examination their expectation have been raised and the candidates have been made to assume that they are due for appointment after completion of all the requisite formalities. It is also being pleaded by them that since most of these candidates are having VIIIth Class qualification, they will not get any further chance to appear again for Group 'D' Examination and as such it will be a total denial of justice to them by putting them to irreparable loss, particularly when they have been found fit in all respect for appointment in Group 'D'. The application process for this selection was initiated in 2007 and on account of long wait some of the candidates might have lost alternative opportunities. Some of these concerns are considered justifiable.

Railway Board is requested to take a view in this matter and examine the feasibility of permitting this Railway to expand the panel to the extent of accommodating the excess eligible candidates. It is also proposed that in order to accommodate these candidates the already empanelled candidates, who are yet to join physically, may also be given choice for the transfer to other Railways.

An early reply will be highly appreciated.
 This issues with the approval of General Manager.

(B.K. Bihani)
 Chief Personnel Officer (IR)"

“CENTRAL RAILWAY

RAILWAY RECRUITMENT CELL
 Chief Project Manager C's Office
 Building, Wadibunder,
 P.D'Mello Road.
 Mumbai - 400 010

No.HPB:706/RRC/Rectt/Gr.'D'/2007/III

Date:20.08.2013

The Secretary (Estt.)
 Ministry of Railways,
 Railway Board,
 New Delhi.

(Kind attn. Shri Arvind Kumar, ED(NG), Railway Board)

Sub: Recruitment of Group 'D' employees from Open Market in the Central Railway.

Ref: (1) This office letter of even no. dated HPB/RRC/Rectt/Gr.D/2007 dated 18.09.2012.
 (2) Your office letter of even No.E(NG)-II/2009/RR-1/24/Pt.4 dt.26.10.2012

Sthaniya Lokadhikar Samiti has given a letter dated 06.08.2013 to the Member (Staff) through General Manager, Central Railway on the issue, the letter is enclosed in original. The demand put forth by the Samiti is that the remaining candidates who had been called as extra were also subjected to medical examination and not able to find place in the panel of Employment Notification No.01/2007 dated 17.05.2007, may be absorbed in the Railway. Samiti argued that since most of the candidates are 8th pass, they do not have further opportunity to apply for recruitment in future.

2. The present details of the above notification is as under:-

1	Total candidates called	7870	-
2	Total empanelled	6152	6152 (empanelled)+ 51 (Pending) + 209 (shortfall in ST) i.e. 6412 total vacancies
3	Pending	51	
4	Absent/Not eligible	505	Counted upto the merit of the empanelled candidates
5	Replacement Panel		Replacement Panel of 93 issued.
6	Pending total	1021	

Note:-

Out of 51, 19 candidates have been empanelled in August 2013.

Further, 93 candidates have been empanelled as a part of replacement panel against non-materialisation of 141 candidates of the earlier panels.

3. Remaining points raised in the present representation are covered in this Railway's letter of even no. dated 18.09.2013 {ref.(1)}. It may however be added that the Board may assess the possibility of adjusting these extra candidates against the shortfall of Group 'D' recruitment in any other Railways where shortfall exists.

In view of above, Railway Board may like to take a view.

This issues with the approval of General Manager, Central

Railway.

DA: As above

(Ravinder Kumar)
Chief Personnel Officer (A)
General Manager (P)"

3.11 On 20.02.2013, the Railway Board had issued a letter directing that the Railways/units must make full use of the provisions of existing recruitment panels before going for fresh selection. On 7.11.2013 the General Manager, Central Railway had written a letter to the Chairman, Railway Board giving details of the recruitment made in response to the Employment Notice No. 1/2007 and reiterating that 1021 candidates were still awaiting recruitment. This was in response to the various representations made by Members of Parliament on the issue of recruitment. In a further letter to one Shri Hansraj G. Ahir, Member of Parliament, General Manager, Central Railway had reiterated that notified vacancies are sacrosanct and the same cannot be modified after written examinations were concluded. The replacement candidates were called for documents verification to the extent of 20% of the notified vacancies only to ensure that posts

are filled up in the event of top ranking candidates failing to join. Some of the applicants had also filed Writ Petition No.4041/2015 before the Aurangabad Bench of the Hon'ble High Court. The Writ Petition was disposed of by order dated 15.06.2015 with liberty to the petitioners to first avail the alternative remedy of approaching the Central Administrative Tribunal. All contentions were kept open. Accordingly, the applicants have approached this Tribunal praying for the relief as enumerated in para 2 above.

4. The applicants have used the following grounds in the OAs and through a series of subsequent pleadings to support their argument for recruitment:-

(a) The impugned action of the respondents in not granting appointments to the applicants in Group 'D' category despite clearing all stages of selection is illegal and void. The applicants have cleared the Physical Efficiency Test, the Written Test, Documents verification and Medical Examination. Therefore, they are eligible for appointment as per the Employment Notification No. 1/2007.

(b) The number of vacancies for recruitment in

response to Employment Notification No. 1/2007 was not frozen. The advertisement itself mentioned that the number of vacancies could be decreased or increased later. Therefore, once the applicants were sent for medical examination, they should have been provided employment. The medical examination is not conducted in respect of candidates who are in waiting list and who are not to be appointed. The moment medical memo is issued and medical examination is cleared, it is the common practice in Railways to immediately issue appointment letter to the selected candidates. In the present case, denying appointment to the applicants on the ground that they were excess candidates is illegal. In the memo for medical examination and in the fitness certificate issued after the medical examination, it was clearly mentioned that the medical test was being conducted for appointment in Railway service. The respondents are, therefore, bound by the principles of promissory estoppel and cannot go back on their promise.

(c) In the selection conducted vide Employment Notice No.2/2012 there was a specific mention

while issuing the slip for documents verification that mere calling for medical test does not give right of appointment. On the other hand, in the present case, no such caveat was mentioned in the call letter for document verification. Therefore, denial of appointment to the applicants is a result of the arbitrary and illegal decision of the respondents.

(d) The notification of panels and grant of appointments continued till 20.08.2013 when the last panel was published. Effectively the recruitment process continued for 7 years and at no point of time the applicants were told that they were excess candidates. Due to such a long interval between the notification and selection, the candidates have become overaged and ineligible for any other appointment.

(e) The applicants claim that although some of them have scored more marks than those who have been given appointment, their case has been rejected arbitrarily and illegally. Some of the applicants have obtained their marks and the cut-off limit through the Right to Information Act, 2005 and have come to know that they have secured more marks than the cut-off limit.

Having denied appointment to some of the candidates who have scored more marks than the cut-off limit, the respondents have given unsatisfactory and vague reasons that there was a discrepancy in the information provided in the application form and therefore the candidature of some of the candidates has been cancelled. Such discrepancy should have been found out at the time of document verification and such applicants should not have been sent for medical examination. Many candidates who did not clear the document verification were not issued the medical memo, whereas some of the applicants having been issued medical memo have been denied appointment on the ground that there was a discrepancy in the information provided by them. In one case, the candidature of an applicant was rejected on the ground that he had ticked 'SC' in the application form but 'OBC' in the OMR sheet. It is the general contention of the applicants that any discrepancy in the information given by them should have been finalised before they were sent for medical examination but once they were sent for medical examination, they were

entitled for appointment.

(f) Some of the applicants have claimed that because the selection process was vitiated and colored by arbitrariness and nepotism and possible corruption, the entire investigation into the recruitment process was handed over to the Central Bureau of Investigation.

(g) The applicants claim that the appointment of the candidates has not been strictly on merit. The respondents have tried to mislead by claiming that 20% additional candidates were subjected to medical test in accordance with the Railway Board letter dated 17.06.2008. This claim is baseless since in the Railway Board letter dated 17.06.2008, it is provided that all the candidates who were called in the category of 20% excess should be informed in the call letter that they were being called to avoid shortfall in the panel and that merely calling a candidate for document verification does not in any way entitle him/her for appointment in the Railways. In the case of the applicants, no such caveat was made in the call letter and therefore the respondents have acted in an illegal manner by not providing

employment to the applicants. It has also been claimed by some of the applicants that 17.06.2008 Letter of the Railway Board is not applicable in the present case since the recruitment was made in response to the Employment Notification No. 1/2007 which had a closing date of 02.07.2007.

(h) The applicants claim that even till 5.7.2016 no merit list had been prepared and published by the respondents as per the information given by them under the Right to Information Act, 2005. The cut-off marks given by the respondents, therefore, has no basis since no merit list was prepared. They have also alleged that there are still unfilled vacancies and there is no reason why the applicants should not be appointed when vacancy still exists.

(i) The applicants have also claimed that it is against the rules that the result of the written test was published roll number wise and not as per merit.

(j) It is the contention of the applicants that the respondents have not made appointment as per the order of merit but on their whims and

caprices. There is no documentary evidence to show that any merit list was prepared by the respondents. The select list at Annexure A-10 had specifically mentioned that the same was prepared roll number wise and not as per merit. In the select list at Annexure A-10 to A-15 from which appointments have been made, it has been specifically mentioned that the lists are as per Roll Numbers and not as per merit. Even as late as 05.07.2016 the Railway Recruitment Cell had given information under Right to Information Act, 2005 to Shri Yogesh Davidas Patil that the merit list of the empanelled candidates is yet to be issued. The respondents have violated the instructions in the Railway Board letter dated 18.07.2005 that the panels should be formed on the basis of the merit of candidates in Written Test. The respondents have, on the other hand prepared the list of candidates roll number wise which has led to candidates securing higher marks but having lower roll number not getting appointment compared to candidates with a higher roll number but lesser marks.

(k) At no point of time, the applicants were

made aware that their cases were covered in the 20% excess candidates over and above the notified vacancies. In the Medical Memo issued to the candidates no mention was made that the applicants were in the 20% extra category. On the other hand the candidates had assumed that they have been selected for final appointment on completion of medical examination since the Medical Memo had specifically mentioned "for appointment in Railways service". There was a note in the result of Written Test that 20% more candidates were called for document verification but no such note was appended at the stage of Medical Examination. Among the applicants, there are candidates who have secured more marks in the Written Test compared to the cut-off marks in the different categories of UR/SC/OBC etc but they have not been selected. Several candidates securing lesser marks than some of the applicants have been appointed. One of the applicants in OA No.430/2015 had received an information under Right to Information Act, 2005 vide letter dated 12.07.2015 stating that merit list of empaneled candidates against Employment Notice

No.01/2007 is yet to be prepared and published by the Railway Recruitment Cell/Central Railway. Therefore, the seven panels published by the respondents are not on the basis of merit, adversely affecting the interest of the applicants,

5. The respondents in their reply and in the subsequent pleadings have challenged the claim of the applicants for appointment. They have also denied that there has been any irregularity in the selection process. As a preliminary objection, the respondents have raised the ground that the applicants should have filed a representation to the Chairman, Railway Board before approaching this Tribunal and therefore the OAs filed by them should be rejected since they have not exhausted all the remedies. They have raised the following grounds to support their claim that the applicants are not entitled for employment as claimed by them in the OAs:-

(a) In response to the Employment Notification No. 1/2007 to fill up 6413 vacancies, 4,62,361 candidates had appeared for the PET out of which 31,396 were found eligible to attend the Written Test. 7870 candidates qualified in the

written test and were called for document verification. This included 20% extra candidates to make good any shortfall in the panel in case candidates scoring higher marks did not turn up for taking the employment. The vacancies were notified on the basis of reservation for SC/ST/OBC etc. There was a shortfall of 209 number of ST candidates. 32 cases for appointment are pending for various reasons. The panels have been published to the extent of notified vacancies. The candidates who have been finally selected and issued appointment are more eligible compared to the applicants.

(b) The respondents have acted strictly in accordance with law. They have not violated any legal rights of the applicants.

(c) The respondents have relied upon the Railway Board letter dated 18.07.2005 prescribing the detailed procedure for recruitment of Group 'D' staff in Indian Railways as per which the panel has to be formed on the basis of merit of the candidates in the written test and their qualifying the PET and medical examination. It is, therefore,

not correct to say that all those who are called for medical examination should be given employment.

(d) Para 9.5 of the Employment Notification No.1/2007 had clearly stated that the selection of candidates by Railway Recruitment Cell, Central Railway does not confer any right to the candidates for appointment. The candidates finally appointed have got the appointment on the basis of their merits vis-a-vis the applicants.

(e) While publishing the result of the Written Test, it was specified in the note that in order to take care of the shortfall in the formation of panel, the number of candidates being called for documents verification is 20% more than the actual number of vacancies, wherever such number of candidates were available and therefore it was made clear that merely calling a candidate for document verification does not in any way entitle him/her to an appointment in the Railways.

(f) Merely declaring a candidate fit for appointment by medical authorities does not automatically entitle him for appointment in

railway services unless he/she is empanelled for appointment by the recruiting agencies. Till the candidate is included in the panel, he cannot assume that he will be recruited. He has no right to appointment unless empanelled by the Railway Recruitment Cell, Central Railway. The applicants were never informed by the respondents that all the candidates found fit in the medical examination would be empanelled and issued appointment letters.

(g) The following table shows the position of the panels and the number of candidates empanelled:-

Sr. No.	No. of Part Panel	Date	No of candidates empanelled
1	1 st Part Panel	30.03.2012	2043
2	2 nd Part Panel	25.04.2012	2091
3	3 rd Part Panel	21.08.2012	1604
4	4 th Part Panel	31.10.2012	174
5	5 th Part Panel	25.06.2013	240
6	6 th Part Panel	20.08.2013	19
		Total vacancy filled - up	6171
	Shortfall of ST candidates		209
	Cases Pending verification		32
		Total	6412
7	Replacement Panel (7 th Panel)	20.08.2013	93

(h) The respondents have further submitted that the Railway Board had subsequently issued a letter dated 08.12.2011 as per

which no replacement panels were to be prepared against non joining of selected candidates. In view of the fact that recruitment in Pay Band - 1 with Grade Pay of Rs.1800/- was to be done annually. It was also mentioned that replacement panels cannot be issued even if vacancies exist, due to non-joining of the candidates after empanelment. The respondents claim that when recruitments were made in response to the Notification No.1/2007 such instructions were not available and 20% extra candidates were called to fill up any anticipate vacancies due to non joining of selected candidates. However, as per the Board's letter dated 17.06.2008 even where the number of candidates available after the document verification exceeds the number of vacancies, the panel finalised by the Railway Recruitment Cell shall be equal to the number of vacancies notified.

(i) The respondent No.2 had raised a query with the Railway Board (respondent No.1) whether in view of the reference made by the local political outfits some of the

candidates who were in the 20% additional list could be considered for recruitment in other zones of Railways. However, the respondent No.1 reiterated the instructions in the letter dated 17.06.2008 wherein it was provided that even where the number of candidates available after the document verification exceeds the number of vacancies, the panel finalised by Railway Recruitment Cell shall be equal to only the number of vacancies notified. The respondents claim that the notified vacancies are sacrosanct and cannot be modified at any stage after the Written Test Examinations were concluded. The letter dated 17.06.2008 is reproduced below:-

"2. A clarification has been sought by one of the zonal railways regarding the ratio in which the candidates are to be called for document verification after written examination vis-a-vis number of vacancies to be filled up.

3. The issue has been examined and it has now been decided by the Board that the number of candidates called for document verification shall be 20% over & above the number of vacancies.

4. This shall, however, be done with the following proviso:-

(i) It has to be brought out clearly in the call letter to the candidate that the purpose of calling 20% candidates over and above the number of vacancies at the time of document verification is primarily to avoid shortfall in the panel and that merely calling a candidate for document verification does not, in any way, entitle him/her to an appointment in the Railways;

(ii) Even where the number of candidates available after document verification exceeds the number of vacancies, the panel finalized by RRC (Railway Recruitment Cell) shall be equal to number of vacancies only. In case, the Railway administration after giving stipulated joining time to the selected candidates, certifies that certain number of candidates have not turned up within the specified period, another panel equal to the number of candidates finally not turning up for taking appointment will be supplied by RRC. Before calling for replacement in lieu of the candidates finally not turning up for taking appointment, CPO shall personally satisfy himself that the procedure for cancellation of the offer of appointment to the originally empanelled candidates has been strictly followed. Under no circumstances, the number of candidates covered in the original as well as replacement panels shall exceed the number of the vacancies indented by the railway; and

(iii) Replacement panels shall include only such number of reserved/un-reserved candidates as have not turned up as per original panel.

5. These instructions will be applicable to the selections wherever call letters to the candidates for document verification are yet to be

issued."

(j) The respondents have relied on the judgment of the Bilaspur Bench of this Tribunal in OA No.203/00259/2014 (**Avinash Kumar Kaiwart and Others Vs. Union of India**)

on similar facts and grounds in which the O.A. was dismissed. The judgment of this Tribunal dated 13.02.2015 was upheld by the Hon'ble High Court of Chhattisgarh at Bilaspur.

(k) The respondents have claimed that there was no irregularity in the process of the selection of Group 'D' employees in response to the Notification No.01/2007. The case of the applicants has been rejected on valid grounds. During the pendency of the OA, eight applicants who were eligible and found in the waiting list have been given appointment and they have also joined. If any of the other applicants are found eligible and vacancies exceed/exist, their cases will also be considered squarely on merit. Therefore, the present OAs deserve to be dismissed.

(l) The Written Tests were conducted through

OMR mark method and the OMR sheets were checked through computers. Therefore, there is no chance of errors in the evaluation of answer sheets. While publishing the result, the word 'provisional' was mentioned since many candidates would have been eliminated at the stage of document verification. The final merit list of the candidates will be drawn and notified after the clearance of 32 pending cases. 6171 candidates have been placed in the different panels and 6171 vacancies have been filled up. There is a short fall of 209 ST candidates and 32 cases were pending for verification. The final merit list will be published only after the finalisation of the 32 pending cases.

(m) There was a complaint about the selection process and certain files were taken away by Investigation Agency such as CBI and Vigilance and the recruitment process was stopped from 2013 to 2015. The said agency gave clearance on 03.12.2015 as per the letter dated 03.12.2015.

(n) It was mentioned in the footnote of the result published in the Employment News

dated 12/18-11-2011 that in order to take care of the short fall in the formation of the original panel, the number of candidates being called for document verification is 20% more than the actual number of vacancies. So it is not correct on the part of the applicants to say that they were not aware about the excess candidates.

(o) After clearance of 31 pending cases out of the 32, the 8th and final provisional panel was issued on 05.07.2016 and the combined provisional merit list was issued on 11.07.2016.

(p) The respondents in their pleadings have relied upon the judgment of the Supreme Court of India in Civil Appeal No.9388/2014 in Union of India and Another Vs. Sarwan Ram and Another

pronounced on 08.10.2014 in which it was held that where there is non compliance of contentions mandated in the Employment Notice, it was always open to the competent authority to reject such application as incomplete. The Hon'ble Supreme Court also ruled that 'it was not open to the High Court to direct the

authorities to consider the case of respondent No.1 for appointment, sitting in appeal over the scrutiny of application by referring to certain certificates of length of service. High Court under Article 226 of the Constitution of India is not competent to scrutinise the applications filed for appointment and cannot substitute its own opinion based on some evidence to come to a conclusion whether the application form is defective'.

6. In the course of arguments, learned counsels for the applicants have cited the judgments of the Hon'ble Supreme Court in **Maharashtra State Road Transport Corporation and Others vs. Rajendra Bhimrao Mandve and Others, (2001) 10 SCC 51** and **K. Manjusree vs. State of Andhra Pradesh and Another, (2008) 3 SCC 512** to support their argument that once the recruitment process commences, rules of the game cannot be changed afterwards. It is their contention that the respondents have introduced the principle of calling 20% excess candidates without mentioning it in the Employment Notification and this position is not legally tenable. Learned

counsel for the respondents has relied upon the judgment of the Hon'ble Supreme Court in Shankarsan Dash Vs. Union of India, (1991) 3 SCC 47 wherein it has been held that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates do not acquire an indefeasible right to be appointed. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies.

In State of U.P. And Others Vs. Rajkumar

Sharma and Others, (2006) 3 SCC 330, the Hon'ble Supreme Court has held that filling up of vacancies over and above the number of vacancies advertised would be violative of the fundamental rights granted under Articles 14 and 16 of the Constitution. Even if in some cases appointments have been made by mistake or wrongly that does not confer any right on another person. Article 14 of the Constitution does not envisage negative equality and if the State committed the mistake, it

cannot be forced to perpetuate the same mistake.

Similarly, in **State of A.P. And Others Vs.**

D. Dastagiri and Others, 2003 (5) SCC 373, the Hon'ble Supreme Court had held that even if the selection process was complete and assuming that only select list remained to be published, that does not advance the case of the respondents for the simple reason that even the candidates who are selected and whose names find place in the select list, do not get vested right to claim appointment based on the select list.

In **Raj Rishi Mehra and Others Vs. State of Punjab and Another, 2013 (12) SCC 243,** the Hon'ble Supreme Court had laid down that the rules regulating the recruitment do not impose a duty on the appointing authority to make appointment from the waiting list.

In **State of Orissa and Another Vs.**

Rajkishore Nanda and Others, 2010 (6) SCC 777, the Hon'ble Supreme Court has held that it is a settled legal proposition that vacancies cannot be filled up over and above the number of vacancies advertised as the recruitment of the candidates in excess of the notified vacancies is a denial and deprivation of the constitutional right under

Article 14 read with Article 16(1) of the Constitution of those persons who acquired eligibility for the post in question in accordance with the statutory rules subsequent to the date of notification of vacancies.

In Director, SCTI for Medical Science & Technology and Another Vs. M. Pushkaran, (2008) 1 SCC 448, the Hon'ble Supreme Court has held 'only because the name of a person appears in the select list, the same by itself may not be a ground for offering him an appointment. A person in the select list does not have any legal right in this behalf. The selectees do not have any legal right of appointment subject, *inter alia*, to bona fide action on the part of the State'.

In S.S. Balu and Another Vs. State of Kerala and Others, 2009 (2) SCC 479, the Hon'ble Supreme Court has held that a person does not acquire a legal right to be appointed only because his name appears in the select list.

In Arupdas and Others Vs. State of Assam and Others, 2012 (5) SCC 559, the Hon'ble Supreme Court has held that an authority cannot make any selection/appointment beyond the number of posts advertised even if there were a large number of

posts available than those advertised.

In **Manoj Manu and Another Vs. Union of India and Others, 2013 (12) SCC 171**, the Hon'ble Supreme Court has held that merely because name of candidate finds place in select list it would not give him/her an indefeasible right to get appointment because it is always open to the Government not to fill up all vacancies so long as there is a valid reason for adopting such a course of action.

The respondents have also cited the order of the Jabalpur Bench of this Tribunal in a series of OA Nos.259/2014, 260/2014, 261/2014, 333/2014, 586/2014, 884/2014, 905/2014, 906/2014 & 924/2014 pronounced on 13.02.2015 where in an identical case 20% excess candidates were called for verification of documents to meet the shortfall, if any, in the panel. The Jabalpur Bench of this Tribunal held that the applicants were not entitled to the reliefs sought for in the OAs as there was no illegality in the calling of 20% excess candidates.

The Hon'ble High Court of Chhattisgarh, Bilaspur had also taken a similar view in Writ Petition No.1965/2015 (judgment pronounced on 05.08.2015) holding that a candidate outside and

beyond the merit list has no vested legal right to appointment as a matter of right because vacancies may exist.

The respondents have also relied upon judgment of the Hon'ble Supreme Court in **Union of India and Another Vs. Sarwan Ram and Another**, in SLP No.706/2014 decided on 08.10.2014 where it has been held that when an applicant has not complied with any of the conditions mentioned in the Employment Notice, it was always open to the Competent Authority to reject such application being 'incomplete'.

7. We have heard the learned counsels for both the parties and perused the documents submitted by them. The applicants in these group of OAs had applied for Group 'D' posts in response to the Employment Notification No.1/2007. All of them have cleared the Physical Efficiency Test and the Written Test. They were called for document verification and sent for Medical Examination. It is their grievance that despite clearing the Medical Examination, they have not been given appointment. They have claimed that they have scored more than the cut-off marks and still have been denied appointment by the Railways. The issue

to be decided by us in these OAs are (i) Whether being called for the medical examination entitles the applicants to final selection/appointment. (ii) Whether the applicants have been discriminated against by appointment of candidates who have scored less marks than them (iii) Whether there is any arbitrariness in the final selection and appointment of candidates. (iv) Whether, on the basis of facts and points of law, the applicants are entitled to appointment as prayed for by them in the OAs.

8. The applicants have based their argument mainly on the ground that there was no transparency in the selection process since the merit list was not published even till the publication of the 7th panel and there has been arbitrariness in the selection process since candidates scoring lesser marks than them have been selected and appointed. The applicants have also built their case on the assumption that once they were sent for Medical Examination they were entitled to appointment. It is their contention that if any of the applications suffered from any discrepancies/deficiencies detected at the time of document verification, the candidates should not have been sent for Medical

Examination. It is their contention that the respondents have falsely claimed to have put the applicants in the 20% excess list and denied them the opportunity for selection and appointment. The applicants further claim that there was no such provision of calling for 20% excess candidates when the Employment Notification of 01/2007 was issued.

9. After hearing the applicants and the respondents, we had directed the respondents to file an affidavit giving the status of the applicants, the marks scored by them vis-a-vis cut-off marks and the reasons for their exclusion from the final list of selected candidates. The respondents filed an affidavit on 18.07.2016 furnishing the particulars of the applicants. The verification of the statement furnished by the respondents shows that the candidates who have scored less than the cut-off marks have been treated as 'out of merit'. Some of the other candidates who have not been considered have deficiencies in their applications. A few examples of such deficiencies can be mentioned here for reason of clarity:-

"Caste ticked OBC in Appln. But neither enclosed OBC caste certificate nor shown in enclosure. Not in UR merit".

“Candidate scored 86.00 which is cut off for SC. However, Date of Birth of the last SC candidate with 86.00 marks is 10.12.1982. Whereas DOB of XXX is 07.06.1985 who is junior in his age to the last empanelled candidate”.

“Letter dated 13.06.2012 sent to submit OBC (NCL) 2011-12 within Days. Followed by reminder 06.08.2012 Not responded. Not eligible”.

“Candidate ticked UR in application but mentioned OBC in OMR. Not attached any caste certificate. Hence out of merit as UR candidate”.

“Candidate had ticked UR in application and mentioned OBC in OMR. Hence out of merit as UR candidate”.

“Candidate scored 86.00 which is cut off for SC. However, Date of Birth of the last SC candidate with 86.00 marks is 10.12.1982. Whereas DOB of XXX is 24.05.1987 who is junior in age to the last empanelled candidate”.

“Ticked both UR and OBC in Appln. Did not mention anything about caste certificate in enclosure. Also not attached caste certificate with Appln. Ticked OBC in OMR. Hence out of merit as UR candidate.”

“Candidate scored 75.33 which is cut off for OBC. However, Date of Birth of the last OBC candidate with 75.33 marks is 06.04.1983. Whereas DOB of XXX is 01.06.1986 who is junior in his age to the last empanelled candidate”.

“Mismatch of caste”

Candidate had ticked ST in community column of the application. He had attached caste certificate of ST dated 18.06.94 and also Special Backward Community certificate dated 12.07.2000. He had ticked ST in OMR. During document

verification also he had produced SBC certificate dated 12.07.10 and dated 13.06.2011. Hence, due to mismatch of caste, the candidate has been made not eligible for further process. Out of merit as UR candidate".

"No DOB proof submitted

Candidate had mentioned his date of birth as 17/5/85 in his application. He had not enclosed any proof of his date of birth. He had enclosed HSC certificate, OBC certificate and postal order along with the application. He had not attached any proof of age as per clause 3.2 of the notification. Candidate had to attach attested copy of educational qualification certificate containing proof of age as per clause 8.10 (iv) of the notification".

"10th fail marksheet attached

Minimum educational qualification was 8th class pass. Candidate did not attach 8th pass marksheets as required under para 8.10(vii) and attached 10th fail marksheets. Thus, not fulfilled the norms of notification."

10. As held by the Hon'ble Supreme Court in the case of ***Sarwan (supra)*** the respondents were perfectly within their right to reject cases where there is deficiency in the records submitted by the applicants. The applicants therefore do not have any legal claim to appointment due to the discrepancy and deficiency in their application/document. A copy of the communication to one of the candidates dated 12.10.2015 informing

him about the rejection of his case due to deficiency in application is reproduced below:-

CENTRAL RAILWAY

Railway Recruitment Cell,
P. D'Mello Road,
Wadi Bunder,
Mumbai – 400 010.

No.P/CR/HQ/RRC/740/RTI/968

Date:12.10.2015

Shri Shaikh Irfan Shaikh Ibrahim,
Imaliwada, Varangaon,
Tal: Bhusawal, Dist: Jalgaon,
Maharashtra, Pin Code : 425 305.

Sub: Information under RTI Act 2005.

In connection with your application dated 28.09.2015, under RTI Act 2005, the requisite information is furnished as under : (Employment Notice No.01/2007)

(1& 2) As on date cut off for UR is 100.33 marks and you have obtained 112.67 marks in Written Test. You have not enclosed 8th pass certificate in your original application form, hence, you have not been found eligible for further recruitment process, and your candidature has been cancelled.

(3) Xerox copy of OMR sheet is enclosed herewith.

The appeal of the above, if any lies with an Appellate Authority at the address given below which should be made within 30 days on receipt of this reply.

The address of Appellate Authority :

Additional General Manager,
GM's building, 2nd Floor,
Central Railway,
Mumbai CST – 400 001.

(Onima Korda)
Asstt. Public Information Officer (P) &
Senior Personnel Officer (RT)

C/-APIO(HQ) – For information please. This is with ref. to letter no. CR/RTI CELL/2015/7850 dated 30.09.2015.”

11. We had also directed the respondents to produce the records for the entire selection. On perusal of the records, we find that the candidates who have been appointed are more meritorious than the applicants and there is no error in the selection process. We accept the explanation of the respondents that they finally published the merit list on 12.07.2015 after the clearance of the 32 pending cases and return of the records by the Vigilance Branch of the Central Railways. A copy of the letter from the Vigilance Branch dated 03.12.2015 is reproduced herein below:-

“CENTRAL RAILWAY

CONFIDENTIAL
GENERAL MANAGER'S OFFICE
VIGILANCE BRANCH
MUMBAI CST.

No.2013/G.130/CBI/DA-12/0139/V2

Date: 03.12.2015.

Chairman,
RRC, Mumbai.

Sub: Case No.RC 27(A)/13 – Finalization of recruitment process.

Ref: P/CR/HQ/RRC/141 dated 10.09.2015

With reference to your letter quoted above, it is advised that SP,CBI,ACB, Mumbai vide their letter dated 5.11.2015 has informed that the above case is closed after investigation. The closure report filed in the Hon'ble Court of Spl. Judge on dated 26.03.2015 and accepted by the Hon'ble Court of Spl. Judge on 15.04.2015. Hence necessary action with regard to finalization of selection process may be taken at your end.

(Sunil B. Ware)
Dy. CVO(A/cs.)
For General Manager (Vig.)”

12. The candidates who cleared the Written Test and were called for document verification had obviously cleared the Written Test. The letter of Railway Board of 18.07.2005 has only stipulated that the list after the written test has to be prepared on merit basis. It doesn't stipulate that it will be published merit-wise. The respondents had clearly mentioned in the result published in the Employment News dated 12/18-11.2011 that the list was not on merit basis but roll number wise. We find no illegality in this and therefore we do not accept the contention of the applicants that there was error in terms of candidates scoring higher marks with lower roll numbers losing out in final selection.

13. The cut-off marks for the Unreserved, SC, ST and OBC were 100.33, 86.00, 81.33 and 75.33 respectively. The counsel for some of the applicants had raised the issue that the concept of cut-off marks was not mentioned in the Employment Notification and the respondents have erred in judging the eligibility of candidates against the cut-off marks since all those who cleared the qualifying marks in the Written Test should have been considered for appointment. We do not agree

with the contention of the learned counsel since cut-off marks is usually the marks obtained by the last candidate selected from the select list and anyone who scores less than that is not eligible for final selection. Cut-off marks is a valid concept to evaluate and assess the eligibility of candidates, particularly in situations such as in the present OAs where applicants have questioned their non-selection. In the present cases, some of the applicants who have scored above the cut-off marks have been eliminated from the selection due to errors in application. On the other hand, some of the applicants whose applications may be in order, could not be selected because their score was less than the cut-off marks.

14. The applicants have vehemently argued that once they were called for medical test, they should be provided employment. They have produced a medical memo with reference to another selection process (Employment Notification No.2/2012) which specifically states that appearance for medical examination does not ensure appointment. The applicants have juxtaposed it with the medical memo for the selection process against Notification number 01/2007 (reproduced in para 3.6 of this

order), where no such stipulation has been mentioned. A copy of the medical memo in the Employment Notification No.2/2012 reads as follows:-

“Railway Recruitment Cell
West Central Railway,
RB-III/422, 1&2 Nehru Railway Colony,
Howbagh, Jabalpur (M.P.)-482001
CALL LETTER FOR VERIFICATION OF CANDIDATURE, CERTIFICATES & MEDICAL
EXAMINATION/

1. Employment Notice No.02/2012 2. Roll No. 2082342059

3. Name & Address GORE NITIN BHAGWAN
 GORE BHAGWAN GAVJI
 AT – NANDGAON
 POST – NADGAON
 TAL – BODWAD
 DIST – JALGAON
 MAHARASHTRA – 425310

4. Community SC

5. Control No. 10161232 6. Date of Written Examination 08-DEC-2013

7.Cat No. / Post ERSTWHILE GROUP 'D'
(PB 5200-20200 GP - 1800)

8. Date of issue of Written Test Result 9. Verification Date 10. Reporting Time
26-MAR-2014 26-MAY-2014 09.30 A.M.

11. Verification Venue/Town : ULLASH COMMUNITY HALL, NEHRU RAILWAY COLONY,
HOWBAGH, JABALPUR -

You are directed to remain present at the venue, on date & time specified above for verification of candidature and original certificates/documents as specified in the instructions overleaf. After record verification, you will be sent for Medical Examination in any Hospital of West Central Railway which may take 3-7 days. Hence candidate is directed to come fully prepared at his own cost.

“For Document Verification & Medical Test, 20% extra candidates for each categories (GEN,OBC, SC & ST) are being called for. Thus, Merely calling for Document Verification & Medical Test does not give right for appointment on Erst. Group -D post in West Central Railway.”

Candidate's Signature
(To be signed in the presence of verifying officer)

FREE TRAVEL AUTHORITY (Valid only for S.C./S.T. Candidates)	RRC-JABALPUR OUTWARD (TC Receipt)	RRC-JABALPUR OUTWARD (TC Receipt)	RRC-JABALPUR INWARD(TC Receipt)
On this Travel Authority you are entitled to travel free by Rail in Second Class.	Roll No.2082342059	Roll No.2082342059	Roll No.2082342059
Outward Journey should commence Not before and 21-MAY-2014	From : BODWAD	From JABALPUR	From
Return Journey should be completed before 01-JUN-2014	To : JABALPUR Date 21-MAY-2014	To Date	To Date
APO (Recruitment)		Seal & Signature”	

However, we find that the guidelines dated 18.07.2005 and the subsequent modifications dated 12.03.2007 do not stipulate that all those who are sent for medical examination will be given an appointment. The employment notification 01/2007 also does not make any such commitment. We take note of the respondents' contention that 20% excess candidates were kept in reserve to take care of non-joining by selected candidate and therefore we reject the contention of the applicants that just because they were issued a medical memo and sent for medical examination, they are entitled to selection/appointment.

15. The applicants' contention that the 20% excess principle was stipulated by the Railway Board in 2008 only and therefore could not have been made applicable to the earlier selection process is also not tenable since for reasons of practicality, the 20% excess is quite a valid

procedure. We find nothing wrong in respondents sending letters for document verification to 20% excess candidates. Therefore, there is no valid ground to state that being sent for Medical examination entitles the applicants for appointment.

16. We have carefully examined the case laws cited by the applicants and the respondents. The applicants have relied upon the judgments of the Hon'ble Supreme Court that once the recruitment process had started, the rules of game could not be changed. In the present case, the respondents have decided to call 20% excess number of candidates for document verification and medical examination. It is our considered view that although the number of vacancies was mentioned in the Employment Notification as 6413, the respondents were perfectly within their right to call 20% excess candidates in anticipation of certain selected candidates high in the merit list not accepting employment when offered. This procedure was adopted for reasons of practicality and to ensure that the selection process was completed without a hitch. We are not inclined to hold that this amounted to changing the rules of the game after the

commencement of the recruitment process. The applicants' reliance on the judgments in **K. Manjusree (supra)** and **Maharashtra State Road Transport Corporation and Others (supra)** is therefore misplaced.

17. We accept the contention of the respondents that mere inclusion of a name in a select list does not confer any right on a candidate for final selection and recruitment. The respondents have rightly cited the clear and unequivocal stand of the Hon'ble Supreme Court to uphold this well established principle in **Shankarsan Dash Vs. Union of India (supra)**, **State of U.P. Vs. Rajkumar Sharma & Ors. (supra)**, **State of A.P. Vs. D. Dastagiri & Ors. (supra)**, **Raj Rishi Mehra and Others Vs. State of Punjab and Another (supra)**, **State of Orissa and Another Vs. Rajkishore Nanda (supra)**, **Director, SCTI for Medical Science & Technology and Another Vs. M. Pushkaran (supra)**, **S.S. Balu and Another Vs. State of Kerala (supra)**, **Arup Das & Others Vs. State of Assam and Others (supra)**, **Manoj Manu & Another Vs. Union of India & Ors. (supra)**.

18. The learned counsels for the applicants have vehemently argued that since they were called for

medical examination, it gave them the right to appointment. However, as held by the Hon'ble Supreme Court in **Union of India & Another Vs. Sarwan Ram & Another (supra)** those candidates whose

applications did not satisfy the conditions mentioned in the Employment Notice have no right for selection. Similarly, those applicants whose score is below the cut-off marks have no legal right for final selection as they do not meet the criteria of merit.

19. Some of the applicants have also staked a claim that they can be accommodated by increasing the number of vacancies and in other zones of the Railways. In a catena of judgments the Hon'ble Supreme Court has held that filling up of vacancies over and above the number of vacancies advertised would be violative of the fundamental rights granted under Articles 14 and 16 of the Constitution. (**Union of India Vs. Ishwar Singh Khatri, 1992 Supp (3) SCC 84, Gujarat State Dy. Executive Engineers' Assn. Vs. State of Gujarat, 1994 Supp (2) SCC 591, State of Bihar Vs. Secretariat Asstt. Successful Examinees Union, 1986, AIR 1994 SC 736, Prem Singh Vs. Haryana SEB,**

1996 (4) SCC 319, Surinder Singh Vs. State of Punjab, AIR 1998 SC 18 and Kamlesh Kumar Sharma Vs. Yogesh Kumar Gupta, AIR 1998 SC 1021.) It is pertinent to quote the observation of the Hon'ble Supreme Court in **Rakhi Ray Vs. High Court of Delhi, 2010 (1) SCC (L&S) 652:-**

"In view of above, the law can be summarised to the effect that any appointment made beyond the number of vacancies advertised is without jurisdiction, being violative of Articles 14 and 16(1) of the Constitution of India, thus, a nullity, inexcusable and unenforceable in law".

20. Similarly, it is a well established law that selectees cannot claim appointment as a matter of right. Mere inclusion of candidate's name in the list does not confer any right to be selected, even if some of the vacancies remained unfilled and the candidates concerned cannot claim that they have been given a hostile discrimination. (**Shankarsan Dash Vs. Union of India (supra), Asha Kaul Vs. State of J&K, 1993 (24) ATC 576, Union of India Vs. S.S. Uppal, AIR 1996 SC 2340, Hanuman Prasad Vs. Union of India, 1997 SCC (L&S) 364, Bihar Public Service Commission Vs. State of Bihar, AIR 1997 SC 2280, Syndicate Bank Vs. Shankar Paul, AIR 1997 SC**

3091, Vice Chancellor, University of Allahabad Vs. Dr. Anand Prakash Mishra, 1997 SCC (L&S) 1265, Punjab SEB Vs. Seema, 1999 SCC (L&S) 629, All India SC & ST Employees' Assn. Vs. A. Arthur Jeen, AIR 2001 SC 1851, Vinodan T. Vs. University of Calicut, 2002 SCC (L&S) 606, S. Renuka Vs. State of A.P., AIR 2002 SC 1523 and Batiarani Gramiya Bank Vs. Pallab Kumar, AIR 2003 SC 4248). The Hon'ble Supreme Court's observation in **Vinodan T. Vs. University of Calicut (supra)** is pertinent.

'The principle that persons merely selected for a post do not thereby acquire a right to be appointed to such a post is well established by judicial precedent'.

21. Coming to the question whether the candidates whose names are included in the waiting list are entitled to be appointed against the unfilled posts as of right there is a clear and unambiguous principle laid down by the Hon'ble Supreme Court in a catena of judgments that such right does not exist. (*Union of India Vs. Ishwar Singh Khatri, (supra), Gujarat State Dy. Executive Engineers' Assn. Vs. State of Gujarat (supra), State of Bihar Vs. Secretariat Asstt. Successful Examinees Union 1986, (supra), Prem Singh Vs. Haryana SEB (supra), Ashok Kumar Vs. Banking Service Recruitment Board, 1996 (32) ATC 235,*

Surinder Singh Vs. State of Punjab (supra), Madan Lal Vs. State of J&K, 1995 (29) ATC 603, Kamlesh Kumar Sharma Vs. Yogesh Kumar Gupta (supra), State of J&K Vs. Sanjeev Kumar, 2005 SCC (L&S) 447, State of U.P. Vs. Rajkumar Sharma (supra), Ram Avtar Patwari Vs. State of Haryana, 2008 (1) SCC (L&S) 15 and Rakhi Ray Vs. High Court of Delhi (supra).

In *Surinder Singh Vs. State of Punjab (supra)*, the Hon'ble Supreme Court has quoted the observation of its earlier judgment in *Gujarat State Dy. Executive Engineers' Assn. Vs. State of Gujarat (supra)* :

"A candidate in the waiting list in the order of merit has a right to claim that he may be appointed if one or the other selected candidate does not join. But once the selected candidates join and no vacancy arises due to resignation etc. or for any other reason within the period the list is to operate under the rules or within reasonable period where no specific period is provided than candidate from the waiting list has no right to claim appointment to any future vacancy which may arise unless the Selection was held for it. He has no vested right except to the limited extent, indicated above, or when the appointing authority acts arbitrarily and makes appointment from the waiting list by picking and choosing for extraneous reasons."

It will be pertinent to recall here the emphatic ruling of the Hon'ble Supreme Court in *Raj Rishi Mehra and Others Vs. State of Punjab and Another (supra)* : "The question whether the candidates whose

names are included in the waiting list are entitled to be appointed against the unfilled posts as of right is no longer *res integra* and must be answered in negative".

22. It is also relevant here to quote the pronouncement of the Hon'ble Supreme Court in **All India SC&ST Employees' Assn. Vs. A. Arthur Jeen, (supra) :-**

"10. Merely because the names of the candidates were included in the panel indicating their provisional selection, they did not acquire any indefeasible right for appointment even against the existing vacancies and the State is under no legal duty to fill up all or any of the vacancies as laid down by the Constitution Bench of this Court, after referring to earlier cases in *Shankarsan Dash Vs. Union of India (supra)*."

(Punjab SEB Vs. Malkiat Singh, 1991 (17) ATC 95, Pitta Naveen Kumar Vs. Raja Narasaiah Zangiti, 2006(10) SCC 261, State of Rajasthan Vs. Jagdish Chopra, 2007 (10) Scale 470, Union of India Vs. S. Vinodh Kumar, 2007 (11) Scale 257 and State of M.P. Vs. Sanjay Kumar Pathak, 2008 (1) SCC 456.)

23. The respondents have submitted a list of eight applicants who have been given appointment during the pendency of the OAs after clearing their document verification. This testifies to the transparency and the absence of arbitrariness in the selection process. This also proves that there is no bias against the applicants in the present

cases. Coming back to the questions put by us in para 7 of this order we have established through the discussions in the preceding paragraphs that merely because the applicants were called for medical examination it does not entitle them for final selection/appointment. Added to that, the facts of non-discrimination against the applicants and the absence of arbitrariness in the selection process lead us to the considered view that the applicants are not entitled to appointment as prayed for by them in the OAs.

24. From a perusal of the records and examination of facts and considering the points of law, we come to the conclusion that there is no illegality in the selection process under challenge by the applicants. We therefore find no merit in the OAs. The Original Applications are dismissed. No order as to costs.

(A.J. Rohee)
Member (J)

(Dr. Mrutyunjay Sarangi)
Member (A)

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