

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIAL BENCH**

OA 3348/2013
MA 294/2016
MA 295/2016

New Delhi this the 10th day of May, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)

1. Kanhiya Lal Meena
S/o Sh. Mohan Lal Meena.
2. Mantoo Ram Meena
S/o Sh. Ramphal Meena
3. Mahender Kumar Meena
S/o Sh. Mangal Ram Meena
4. Anup Lal Meena
S/o Shri Khyali Ram Meena
All serving at:

Office of Dy. Chief Engineer/TMC/L
State Entry Road, New Delhi.

... Applicants

(Present: NONE)

VERSUS

1. Union of India,
Ministry of Railways,
Through Chairman Railway Board,
Rafi Marg, New Delhi-110001
2. Mohd. Shafique,
Ex. Engineer, TMC/L
State Entry Road,
New Delhi.
3. Shri Balwan Singh, SPO/Engg.
Head Quarters Office, Baroda House,
New Delhi.

... Respondents

(By Advocate: Mr. S.M.Arif)

O R D E R (ORAL)

(Hon'ble Mr. S.N.Terdal, Member (J)):

As the applicant remained absent on 23.04.2019 as well as today (10.05.2019), we have heard Mr. S.M.Arif, counsel for respondents. Hence we proceed to dispose of the matter under Rule 15 of the Central Administrative Tribunals (Procedure) Rules, 1987 after perusing the pleadings and all the documents available on record.

2. In this OA the applicants have prayed for the following reliefs:

- “(a). To quash the impugned order dated 1.7.2013 whereby the names of the applicants were deleted from the panel of the selected candidates dt. 1.1.2013 for Tech.III in the promotional post of Tech. III.
- (b) It is further prayed that the names of the applicants may be brought on the list of the selected candidate dt. 1.1.2013 according to their seniority as per the previous panel.
- (c) That the respondents may kindly be directed to send the applicants for the training at IRTMTC.
- (d) That the respondents may also be directed to send the applicants whose names are removed from the said list dt. 1.1.2013 and sent them for training at along with other candidates being sent for training on 9.9.2013, in the interest of justice.”

3. The relevant facts of the case are that vide Notification dated 25.06.2012, applications were invited from amongst the eligible Helpers of TMC for the post of Technician-III in TMC. The cut-off date for eligibility was 01.07.2012 and the eligibility was three years qualifying service in TMC Organization for UR category and one year qualifying service for SC/ST candidates. When the provisional panel for the post of Technician-III in TMC was issued on 01.01.2013, as the date of the entry in TMC organization was not available, the actual date of appointment in Railways was considered. However, some of the Helpers who could not find place in

the above stated provisional panel requested for re-examination and when the date of entry in TMC was taken into account it was found that the applicants were not having three years qualifying service in the TMC Organization. Their date of entry in the TMC Organization was given by the respondents, which is extracted below:-

S.No.	Name of applicant S/Shri	Date of Entry in TMC
1	Mahender Kumar Meena	24.09.2009
2	Anup Lal Meena	19.08.2009
3	Hari Mohan Meena	31.10.2009
4	Prithavi Raj Meena	21.12.2009
5	Mantu Ram Meena	29.05.2009
6.	Kanhiya Lal Meena	18.06.2010

As the applicants had not completed qualifying service of three years in TMC Organization, a Show Cause Notice (SCN) was issued to them and after considering their representation to the SCN their names were deleted from the provisional panel stated above. The same is stated in the following paragraphs of the counter affidavit which is extracted below:-

".....It is humbly submitted that since the applicants had not completed the eligibility criteria to be considered against UR vacancies, they were issued 'Show Cause Notice' and thereafter their names were deleted from the Provisional Panel of Technician-III/TMC.

H) That the applicants were given proper opportunity to represent against the Show Cause Notice before deletion of their names from the Panel as per Rules."

4. In view of the facts and circumstances narrated above, the claim of the applicants is devoid of merit. Accordingly, the OA is dismissed. MAs, if any, pending shall stand disposed of. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Choudhury)
Member (A)

'sk'

..