

Central Administrative Tribunal  
Principal Bench

O.A. No. 667/2003

OA 667/2003

New Delhi this the 11th day of February, 2004

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)  
Hon'ble Shri Shanker Raju, Member (J)

IN THE MATTER OF:

1. Triveni Lal (General)  
Aged about 45 years  
S/o Shri Shiv Lekhan Lal  
Khallasi  
C/o Assistant Controller of Stores Diesel  
Northern Railway, Tukhlakabad  
NEW DELHI-110044
2. Bhupender Kumar (General)  
S/o. Babu Ram  
Khallasi  
C/o Deputy Controller of Stores,  
Section G, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
3. Charan Singh (General)  
S/o. Sardha Ram  
Khallasi  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
4. Dharamvir (Scheduled Tribe)  
S/o. Ram Lal  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
5. Harish Singh (General)  
S/o. Shishupal Singh  
Khallasi  
C/o Deputy Controller of Stores,  
Section Despatch, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

6. Joginder Kumar (General)  
S/o. Ghulab Singh  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section RS, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
7. Krishan Singh (General)  
S/o. Mir Singh  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section ISA, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
8. Lachaman Singh (General)  
S/o. Hardass  
Daftri  
C/o Deputy Controller of Stores,  
Section Biils, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
9. Lachman Singh (General)  
S/o. Gopal Singh  
Sr. Daftri  
C/o Deputy Controller of Stores,  
Section CR, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
10. Laxman Prasad Meena (Scheduled Tribe)  
S/o. Kanhaya Lal Meena  
Khallasi  
C/o Deputy Controller of Stores,  
Section RS, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
11. Lila Ram (General)  
S/o. Om Prakash  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section Despatch, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

12. Mangey Lal (Scheduled Tribe)  
S/o. Panna Lal Meena  
Khallasi  
C/o Deputy Controller of Stores,  
Section Yard, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
13. Mawasi Ram (General)  
S/o. Puran Chand  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
14. Maya Prakash (General)  
S/o. Om Prakash  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section Yard, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
15. Mahender Singh ( Scheduled Caste)  
S/o. Ram Swaroop  
Daftri  
C/o Deputy Controller of Stores,  
Section RS, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
16. Nanhey Lal Yadav (General)  
S/o. Ram Sabad Yadav  
Khallasi  
C/o Deputy Controller of Stores,  
Section Despatch, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
17. Raghbir Singh (General)  
S/o. Satya Singh  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section G, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

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18. Ram Avtar (General)  
S/o. Rameshwar Dayal  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section Yard, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
19. Ram Jeet (General)  
S/o. Dukhoo Ram  
Daftri  
C/o Assistant Controller of Stores Diesel,  
General Stores, Northern Railway,  
Shakurbasti, Delhi.
  
20. Ram Pal Sharma (General)  
S/o. Hari Chand  
Jr. Clerk  
C/o Deputy Controller of Stores,  
Section CR, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
21. Ram Pyare (General)  
S/o. Birjoo  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section Yard, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
22. Ram Saran (Scheduled Caste)  
S/o. Surat Singh  
Daftri  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
  
23. Ram Vir Singh (General)  
S/o. Gobind Singh  
Khallasi  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

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24. Ranbir Singh (General)  
S/o. Bakshi Ram  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
25. Rashe Shyam (General)  
S/o. Shyam Lal  
Khallasi  
C/o Deputy Controller of Stores,  
Section ISA, Track Depot  
Northern Railway,  
Ghaziabad.
26. Shashi Lata (General)  
S/o. Darshan Lal  
Daftri  
C/o Deputy Controller of Stores,  
Section Yard, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
27. Siri Nath (General)  
S/o. Sukh Ram  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
28. Sukh Pal Singh (General)  
S/o. Braham Pal  
Khallasi  
C/o Deputy Controller of Stores,  
Section RS, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
29. Sunil Dutt (General)  
S/o. Saheb Singh  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section RS, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

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30. Tharu Ram (General)  
 S/o.Jagan Nath  
 Daftari  
 C/o Deputy Controller of Stores,  
 Section Yard, General Stores,  
 Northern Railway, Shakurbasti,  
 Delhi.

...APPLICANTS

## VERSUS

1. Union of India  
 Through General Manager – Northern Railway  
 Headquarters Office Baroda House  
 NEW DELHI
2. Control of Stores  
 Baroda House  
 New Delhi.
3. Deputy Control of Stores  
 General Store  
 Shakurbasti,  
 New Delhi.
4. Amar Pal Meena (Scheduled Tribe)  
 S/o. Mewa Ram Meena  
 Khallasi  
 C/o Deputy Controller of Stores,  
 Section Despatch, General Stores,  
 Northern Railway, Shakurbasti,  
 Delhi.
5. Bal Kishan (Scheduled Tribe)  
 S/o. Nanoo Ram  
 Sr. Khallasi  
 C/o Deputy Controller of Stores,  
 Section Yard, General Stores,  
 Northern Railway, Shakurbasti,  
 Delhi.
6. Bhagwan Dass (Scheduled Caste)  
 S/o. Ram Swaroop  
 Khallasi  
 C/o Deputy Controller of Stores,  
 Section STY, General Stores,  
 Northern Railway, Shakurbasti,  
 Delhi.

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7. Chandra Pal Singh (Scheduled Caste)  
S/o. Ram Sanehi Lal  
Khallasi  
C/o Deputy Controller of Stores,  
Section Despatch, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
8. Gajanand (Scheduled Tribe)  
S/o. Bhoman Ram  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
9. Ganga Prasad (Scheduled Caste)  
S/o. Balwant  
Khallasi  
C/o Deputy Controller of Stores,  
Section Yard, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
10. Gorakh Nath (Scheduled Caste)  
S/o. Nagina Prasad  
Khallasi  
C/o Deputy Controller of Stores,  
Section ETD, General Stores,  
Northern Railway,  
Ghaziabad.
11. Jagram Singh (Scheduled Caste)  
S/o. Buddhan Singh  
Khallasi  
C/o Deputy Controller of Stores,  
Section SIG, General Stores,  
Northern Railway,  
Ghaziabad.
12. Lakhu Ram Meena (Scheduled Tribe)  
S/o. Bodan Ram  
Daftri  
C/o Deputy Controller of Stores,  
Section Press, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

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13. Latesh (Scheduled Caste)  
S/o. Phool Singh  
Khallasi  
C/o Deputy Controller of Stores,  
Section SIG, General Stores,  
Northern Railway,  
Ghaziabad.
14. Man Singh Meena (Scheduled Tribe)  
S/o. Ganga Sahai Meena  
Khallasi  
C/o Deputy Controller of Stores,  
Section Despatch, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
15. Mohan Ram (Scheduled Caste)  
S/o. Prem Ram  
Daftri  
C/o Deputy Controller of Stores,  
Section G, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
16. Om Prakash (General)  
S/o. Dalpati Ram  
Sr. Khallasi  
C/o Assistant Controller of Stores Diesel  
Northern Railway, Tukhlakabad  
**Delhi -110044.**
17. Prem Singh (Scheduled Caste)  
S/o. Ram Swaroop  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section Yard, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
18. Puran Chand (General)  
S/o. Ram Dass  
Sr. Khallasi  
C/o Deputy Controller of Stores,  
Section DEPOT, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

19. Rajesh Kumar (Scheduled Caste)  
S/o. Kashmiri Lal  
Khallasi  
C/o Deputy Controller of Stores,  
Section G, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
20. Ram Niwas Meena (Scheduled Tribe)  
S/o. Kishan Lal Meena  
Khallasi  
C/o Assistant Controller of Stores Diesel  
Northern Railway, Tukhlakabad  
**Delhi -110044.**
21. Ram Singh (Scheduled Caste)  
S/o. Pyare Lal  
Khallasi  
C/o Deputy Controller of Stores,  
Section SIG, General Stores,  
Northern Railway,  
Ghaziabad
22. Ram Singh (Scheduled Caste)  
S/o. Ram Chand  
Khallasi  
C/o Deputy Controller of Stores,  
Section SIG, General Stores,  
Northern Railway,  
Ghaziabad.
23. Rama Devi (Scheduled Caste)  
S/o. Surendra Kumar  
Peon  
C/o Deputy Controller of Stores,  
Section F, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
24. Ramesh Chand Meena (Scheduled Tribe)  
S/o. Ganga Ram Meena  
Khallasi  
C/o Deputy Controller of Stores,  
Section YARD, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.

25. Ramesh Kumar (Scheduled Caste)  
S/o. Mai Chand  
Khallasi  
C/o Deputy Controller of Stores,  
Section E, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
26. Randhir Singh (Scheduled Caste)  
S/o. Salek Chand  
Daftri  
C/o Deputy Controller of Stores,  
Section EMU, General Stores,  
Northern Railway,  
Ghaziabad.
27. Saroj Rani (Scheduled Caste)  
S/o. Raj Kumar  
Peon  
C/o Deputy Controller of Stores,  
Section CR, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
28. Satya Bhan Singh (Scheduled Caste)  
S/o. Kewal Singh  
Khallasi  
C/o Deputy Controller of Stores,  
Section EMU, General Stores,  
Northern Railway,  
Ghaziabad
29. Surinder Kumar (General)  
S/o. Ram Swaroop  
Khallasi  
C/o Deputy Controller of Stores,  
Section RS, General Stores,  
Northern Railway, Shakurbasti,  
Delhi.
30. Vipin Kumar (Scheduled Caste)  
S/o. Babu Ram  
Khallasi  
C/o Deputy Controller of Stores,  
Section EMU, General Stores,  
Northern Railway,  
Ghaziabad.

31. Vishwanath (Scheduled Caste)  
 S/o Laxman Ram,  
 Sr. Khalasi,  
 C/o Deputy Controller of Stores,  
 Sector DSL, General Stores,  
 Northern Railway, Shakurbasti,  
 Delhi. .... Respondents

Advocates : Shri S. Imam Mehndi for Shri Anis  
 Suhrawardy, learned counsel of applicants.

Shri R.L. Dhawan, learned counsel of  
 respondents.

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Applicants have challenged Annexure A-1 dated 11/12.3.2003 whereby respondents have selected a large number of persons belonging to ST/SC/OBC allegedly ignoring the claim of general category candidates.

2. At the outset, it was pointed out by the learned counsel for official respondents that while he is representing respondents 1,2 & 3 only, the remaining private respondents are not present.

3. We find that respondents 4 to 31 had refused the Dasti notices and as such service of notices on them is presumed and they are proceeded ex parte.

4. Learned counsel of applicants stated that while 102 candidates had appeared in the written test for 24 vacancies for the post of Group-C Class-III posts in 33-1/3% promotee quota, respondents have selected a total of 28 persons, most of which belong to ST/SC categories. Learned counsel stated that



applicant belongs to general category and he has not been selected as the respondents had mala fide intention.

5. On the other hand, learned counsel of respondents contended that applicants did not qualify in the written test held for the selection for the post of Clerk-Cum-Typist. 29 candidates (20 SC, 6 ST and 3 UR) qualified for viva-voce test. As a result of written and viva-voce test, respondents selected a provisional panel of 9 candidates (4 SC, 2 ST and 3 UR) (Annexure R-1). Applicants could not qualify for being placed in the provisional panel for promotion.

6. It is not applicants' claim that they had qualified in the written test. Their right is restricted to consideration only. They had been considered but did not qualify in the written test. They have also not been able to establish the mala fide intention of the respondents in selecting candidates other than the applicants. Applicants' attempt seems to be that Tribunal should hold a roving enquiry as to the number of vacancies, <sup>why</sup> by a large number of reserved candidates qualified in the written and viva voce test etc. The courts cannot indulge in such a roving enquiry as sought by the applicants.

7. Having been considered but not found successful, we do not find any merit in the claims of the applicants. Accordingly, this OA is dismissed.

*S. Raju*  
(Shanker Raju)

Member (J)

*V.K. Majotra*  
(V.K. Majotra)  
Vice-Chairman (A)

cc.