

(e)
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 Lakhan 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.

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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 Bills, 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.



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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. Raghubir 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
Daftri
C/o Deputy Controller of Stores,
Section Yard, General Stores,
Northern Railway, Shakurbasti,
Delhi.

...APPLICANTS

V E R S U S

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 Sanahi 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.

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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.

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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. Khallasi,
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

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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, ^{why} 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.