

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 539 of 2016**

1. Union of India through General Manager SEC Railway Bilaspur District Bilaspur Chhattisgarh
2. Controller of Stores South East Central Railway Bilaspur District Bilaspur
3. Deputy Chief Materials Manager (General Stores Depot) South East Central Railway Raipur District Raipur
4. Assistant Personnel Officer (Stores) South East Central Railway Raipur District Raipur

---- Petitioners**Versus**

5. Santosh Kumar Sidar S/o Johan Singh Sidar aged about 39 years Presently working as Jr. Clerk cum Typist SECR Raipur R/o Quarter No. 140/7 Type-I WRS Colony Raipur District Raipur
6. Chakradhar Singh Sidar Technician Grade-III O/o Deputy Chief Materials Manager (General Stores Depot) South East Central Railway Raipur

---- Respondents

For Petitioners : Shri HS Alhuwalia, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Chandra Bhushan Bajpai, J.

Order on Board**Per Navin Sinha, Chief Justice****22/02/2016**

1. The present writ petition assails order dated 27.8.2015 by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (hereinafter referred to as 'the Tribunal') in Original Application No.203/00176/15. The Tribunal held that the candidature of Respondent No.2 for the post of Junior Clerk cum Typist in the

panel dated 12.11.2014 was not valid for consideration as he had already joined the post of Technician Grade-III on 16.8.2014.

2. Learned Counsel for the Petitioners submitted that the finding of fact by the Tribunal is not correct. Respondent No.2 had secured more marks than Respondent No.1. The Tribunal ought not to have entertained an application against a show cause notice.

3. We have considered the submissions and also have been taken through the order of the Tribunal.

4. The controversy with regard to appointment on the post of Junior Clerk cum Typist from the panel dated 12.11.2014 is primarily between Respondents No.1 and 2. Respondent No.2 has been non suited. We are not inclined to entertain this writ application at the behest of Union of India in what is essentially a dispute for appointment between Respondents No.1 and 2. The eligibility of Respondent No.1 to participate in the selection is not questioned by the Union of India. In our opinion, the Union of India has a neutral role to play in the circumstances more so there has been adjudication including on facts by the Tribunal. If Respondent No.2 were to approach this Court, entirely different considerations may arise and the present order cannot prejudice any claims by him which will naturally have to be considered on its own merits.

5. In (2000) 1 SCC 644 (Sub-Inspector Rooplal v. Lt. Governor), it was observed as follows:-

"24. Before concluding, we are constrained to observe that the role played by the respondents in this litigation is far from satisfactory. In our opinion, after laying down appropriate rules governing the service conditions of its employees, a State should only play the role of an impartial employer in the inter se dispute between its employees. If any such dispute arises, the State should apply the rules

laid down by it fairly. Still if the matter is dragged to a judicial forum, the State should confine its role to that of an amicus curiae by assisting the judicial forum to arrive at a correct decision. Once a decision is rendered by a judicial forum, thereafter the State should not further involve itself in litigation. The matter thereafter should be left tot the parties concerned to agitate further, if they so desire. When a State, after the judicial forum delivers a judgment, files review petition, appeal etc. it gives an impression that it is espousing the cause of a particular group of employees against another group of tis own employees, unless of course there are compelling reasons to resort to such further proceedings. In the instant case, we feel the respondent has taken more than necessary interest which is uncalled for. This act of the State has only resulted in waste of time and money of all concerned."

6. The writ petition is disposed with the aforesaid observations.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Chandra Bhushan Bajpai)
JUDGE