

**Central Administrative Tribunal
Madras Bench**

OA/310/00444/2014

Dated the 19th day of February Two Thousand Twenty

P R E S E N T

Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

S.Ramachandran,
Loco Pilot Mail/MAS,
S/o P.Sivaramakrishnan,
1139, 81st Street, TNHB Plots,
Avadi, Chennai 600 054. .. Applicant
By Advocate **M/s.V.Raghavachari**

Vs.

1. Union of India, rep. by the
Secretary,
M/o Railway,
Government of India,
Rail Bhavan, New Delhi.
2. The Divisional Railway Manager,
Chennai Division,
Southern Railway,
NGO Annexe, Park Town,
Chennai 600 003.
3. The Senior Divisional Electrical Engineer/Operations,
Chennai Division, Southern Railway,
NGO Annexe, Park Town,
Chennai 600 003.
4. The Senior Divisional Personal Officer,
Chennai Division, Southern Railway,
NGO Annexe, Park Town,
Chennai 600 003.
5. Paul Raj Pravindass Kumar,
Chief Loco Inspector/Mechanical (Diesel),

Chennai Division, Southern Railway,
NGO Annexe, Park Town,
Chennai 600 003.

.. Respondents

By Advocate **Mr.P.Srinivasan**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief:-

“.....to call for the records on the file of the 4th respondent in his proceedings bearing No.Letter No.M/P(IE)/535/VI/RG/LI DSL, dated 22.5.2013 and set aside and quash the same as illegal, unjust, incompetent and without justification and further be pleased to direct the respondent to consider the applicant to the post of loco inspector and pass such further or other orders as this court deem fit and proper under circumstances and render justice.”

2. The applicant's case in brief is as follows:-

The applicant had participated in the selection for the post of Loco Inspectors in Chennai Division in 2013 and he got first in the written examination. But his name was not included in the selection. According to him, he had also participated for the selection of the above post earlier and he was not given selection though he secured good marks in the examination. He filed an application under RTI and as per the information received he understood that the APAR ratings given to him was only “Good” and that was the reason for not selecting him. According to him, this was not informed to him by the Reporting Officer.

3. The applicant was not imposed with any penalties. He had secured awards for his meritorious work even then he was not selected. The applicant was only given 5 marks for his Record of Service (SR). He ought to have been given atleast 8 marks for the same.

4. The applicant was denied selection by the respondents with malafide intention.

The procedure adopted by the respondents had overlooked Professional Ability(PA) and SR. The non-selection based on uncommunicated APAR is bad in law and it is against the principles laid down by the Hon'ble Supreme Court in ***Dev Dutt's*** case. So, the applicant seeks the above mentioned relief.

5. The respondents entered appearance and filed a detailed reply showing the reasons for non-selection of the applicant. According to them, the maximum marks that can be given for Professional Ability was 50 and the qualifying marks was 30. The maximum marks which can be given for SR is only 30. The qualifying marks for the combined 2 factors is 48. According to them, those who secured 60% of the marks in the PA and 60% in aggregate can only be selected. So, a candidate securing 30 marks is qualified in PA. As per the Railway Board letter No.E(NG)/I/2008/PM7/4/SLP dt. 19.6.09 it is categorically made clear that the selection should be on merit with reference to the marks obtained by the candidate in PA and SR. The written examination carried 50 marks and SR carried 30 marks. The applicant in this case had obtained 38 marks in the written examination (PA) and he obtained 21 marks in the SR. So, he had got a total of 59 marks out of 80. The 5th respondent(R5) in this case got 37.5 marks in the written examination and 23 marks in SR. So, R5 got a total of 60.5 marks in aggregate. There existed only 1 vacancy and so there is no possibility of the applicant being selected. The respondents also clarified that the annual performance APAR ratings are given 15 marks and academic technical qualification 8 marks and SR 7 marks. Totally 30 marks. The applicant in this case has got only the grading 'Good' and given 3 marks for the same. Only

“Outstanding” will be given 5 marks and “Very Good” is given 4 marks and “Average” is given 2 marks. There is no merit in the contention of the applicant that he was not selected for the post only because of the APAR gradings alone. The selection was done on the basis of overall merit on various categories and there is no merit in this case.

6. We have heard both sides and perused the pleadings and record. On going through the pleadings and arguments, we find that the applicant was not selected for the post of Loco Inspector in Chennai Division in the 2013 examination. Though he had obtained good marks in the written examination, he could not get sufficient marks on the basis of SR, APAR and technical qualification. So, his marks were lower in that respect and it is only because of that the applicant did not get selection. On going through the procedure adopted for selection by the respondents, it can be seen that the respondents had given the details of the procedure adopted and high marks in written examination alone will not be sufficient for being selected. The PA and SR will be taken into account for the selection. Suitable marks were given for various APAR ratings and they had given a reasonable classification on the basis of gradings received by each candidate. The applicant in this case had obtained a grading of “Good” and hence he was given 3 marks for the said grading. The maximum marks available for APAR is only 5. A person getting “Outstanding” grading will be given 5 marks, “Very Good” grading will be given 4 marks, “Good” will get 3 marks and “Average” 2 marks.

7. From the above, it can be seen that there is no illegality or irregularities in the

decision taken by the respondents in this case. They had clearly followed the circular of the respondents dt. 19.6.09 and the selection was purely on the basis of overall merit of the candidate selected in the selection process. The R5 has secured 60 marks and he was selected to an available post. The applicant in this case could obtain only 59 marks out of 80 marks and hence he could not be selected. So, there is no merit in the contentions raised by the applicant in this case. The selection was not exclusively based on APAR gradings and there is no basis for the contention of the applicant that it was not communicated to him and he was not aware of the gradings etc. in this case. Various other parameters were taken into account for the selection and we find no merit in the contention raised and the OA is liable to be dismissed.

8. Accordingly, OA will stand dismissed. No costs.

(T.Jacob)
Member(A)

19.02 .2020

(P.Madhavan)
Member(J)

/G/