

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/20/621/2014

HYDERABAD, this the 23rd DAY OF JANUARY 2020

Hon'ble Mr. ASHISH KALIA, MEMBER (J)

Hon'ble Mr. B.V. SUDHAKAR, MEMBER (A)

B SRINIVASA RAO,
S/o Late Samasundara Rao,
Aged 44 years,
Senior Section Engineer (P)/Spl/JDB,
R/o D.No.33-8-42/1, SF-I, Sampath Sai Residency,
Alipuram Bazar, Ward No.30, NK Street,
Visakhapatnam 530 004.

... Applicant



(By advocate: Mr. V Ravindranath Reddy)

Vs.

1. Government of India rep. by its General Manager, East Coast Railway, Rail Sadan, 1st Floor, South Block, Bhubaneswar Odisha 751 017.
2. Principal Chief Engineer, East Coast Railway, Rail Sadan, 1st Floor, South Block, Bhubaneswar Odisha 751 017.
3. Chief Personnel Officer, General Manager, East Coast Railway, Rail Sadan, Bhubaneswar Odisha 751 017.

4. Divisional Railway Manager,
Waltair Division, East Coast Railway,
Dondaparthi, Visakhapatnam, A.P 530016,
5. Senior Divisional Engineer (Co-ord),
Waltair Division, East Coast Railway,
Dondaparthi, Visakhapatnam, A.P 530016,
6. Sri Ligaraj Padhi,
SSE/W/C/BBS,
East Coast Railway,
O/o The Dy. Chief Engineer (Works),
Bhubaneswar Odisha 751 017.
7. Sri Prasanna Kumar Sahu,
SSE/W/WAT, East Coast Railway,
O/o The Senior Section Engineer (Works)/Lines,
Visakhapatnam 530 016
8. Sri Dayanidhi Pradhan,
CVI(Engg)/Dy.CVO/BBS,
East Coast Railway, r
Rail Sadan, 1st Floor, South Block,
Bhubaneswar Odisha 751 017.
9. Sri Sumit Kumar Bandyopadhyay,
SSE/W/C/WAT, East Coast Railway,
Land Cell, Dondaparthi,
DRM's Building, Visakhapatnam.

Respondents

(By advocate: Mr. S M Patnaik, SC for Railways & Mr. K.Siva Reddy, Counsel for R8)

ORAL ORDER

PER HON'BLE Mr. ASHISH KALIA, MEMBER (J)

Following reliefs are sought by the applicant:

"To declare the action of the respondents in not including the name of the applicant in the provisional panel for the post of group B as AEN under 70% quota issued by 3rd respondent vide orders No. ECoR/Pers/Gaz/Engg/AEN-70%/Select Panel dated 30.05.2014 as illegal and arbitrary and set aside the same and direct the respondents to prepare a fresh panel including the name of the applicant who is a senior to several unofficial respondents and promote him to the post of Group B post of AEN and give all consequential benefits to the applicant and pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case".



2. Heard Mr.V.Ravindranath Reddy, learned Counsel for the applicant, Mr.S.M.Patnaik, learned Standing Counsel for the respondents/Railways and Mr. K.Siva Reddy for Respondent No.8.
3. After hearing both counsel, following issues emerge:
 - (i) Whether the applicant is qualified in the examination; and if so,
 - (ii) whether he is entitled to get seniority from the date he qualified the examination.
4. In reply statement, respondents have stated as under:

"In reply to para 4(d) of the application, it is humbly submitted that the averments in this para are based on wrong concept of the applicant. Though the applicant and other 3 candidates who are senior to the Respondents No.6 (Sri Lingaraj Padhi), 7 (Sri Prasanna Kumar Sahu), 8 (Sri Dayanidhi Pradhan) and 9 (Sri Sumit Kumar

Bandyopadhyā) , but they could not secure minimum marks in the viva – voce test, i.e. 30(including minimum 15 marks in record of service). There was no intention in the part of Railways to favour any of the candidates. Candidates, who did not perform well in the viva-voce, were not empanelled.”

5. In view of the above statement of respondents, nothing survives in the OA and the same is dismissed.
6. There shall be no order as to costs.

**(B.V. SUDHAKAR)
ADMN.MEMBER**

**(ASHISH KALIA)
JUDL. MEMBER**

vsn

