

(9)

Central Administrative Tribunal
Principal Bench

O.A. No. 1071 of 2001ⁱⁿ

New Delhi, dated this the 26th February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Budhram Sharma,
Station Master, presently posted
at Railway Station, Chipyana Buzurg,
Ghaziabad(UP) ... Applicant.
(By Advocate: Shri Vijay Sharma)

Versus

Ministry of Railway,
through
General Manager,
Northern Railway,
Baroda House,
Copernicus Marg,
New Delhi-3 ... Respondents.
(By Advocate: Shri Rajeev Bansal)

ORDER

S.R. ADIGE, VC (A)

Applicant challenges his non inclusion in the provisional panel of Deputy Station Superintendent/Station Superintendent vide results declared on 16.2.2001 and also assails the criteria of segregation of marks out of the total marks for being taken on the provisional panel of Dy.S.S/SS.

2. Heard.

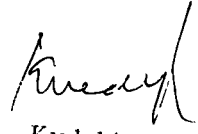
3. Admittedly selections for filling up 31 posts of S.S.grade (Rs.6500-10500) were held by respondents. Applicant could not secure 60% qualifying marks in the written test held on 8/15.7.2000 for eligibility to be called for viva voce. However as per printed Serial No.11862 issued by General Manager (P), Northern Railway, if a

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candidate does not get minimum qualifying marks in written test he is given notional marks of his seniority, and if by adding the notional marks he gets 60% he is called for viva voce. Applicant was given notional marks of his seniority and thus became eligible for being called for viva voce, but because of his poor performance he could not secure 60% marks in professional ability (written test and viva voce) and 60% marks in aggregate to be placed in the panel.

4. Applicant has contended that 15 marks out of 100 given for viva voce placed excessive emphasis on viva voce and in this connection has cited the ruling in Ashok Kumar Yadav Vs. State of Haryana AIR 1987 SC 454, in para 29 of which it has been observed that marks allocated for viva voce test should not exceed 12.2% for general category officers and 25% for ex-service officers. That ruling was handed down in the specific context of recruitment to the Haryana Civil Service. That apart, in the absence of any specific challenge to the relevant rules determining the distribution of marks in the selection procedure as outlined in page 3 of respondents' reply, the aforesaid ruling does not advance applicant's case.

5. The OA warrants no interference. It is dismissed. No costs.


(Mr. Kuldip Singh)
Member (J)

/ug/


(S.R. Adige)
Vice Chairman (A)