

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2658 of 2001

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New Delhi, this the 5th October, 2001

HON'BLE MR.JUSTICE B.DIKSHIT, VICE-CHAIRMAN(J)
HON'BLE MR.V.K.MAJOTRA, MEMBER(A)

1. Sh. Ghanshyam Sharma,
S/o Sh. Shiv Sahai,
Age 43 years, working as Pointsman(A),
PMA Gurgaon,
Haryana.

2. Sh. Parmeshwar,
S/o Sh. Ram Nandan,
Age 43 years, working as
Pointsman(A), PMA Gurgaon,
Haryana.Applicants.

(By Advocate: Shri Mahesh Srivastava with
Shri Pankaj Srivastava)

Versus

1. Union of India,
Through its
The General Manager, Northern Railway,
Baroda House, New Delhi.

2. Divisional Railway Manager,
DRM Office, Northern Railway,
Bikaner, Rajasthan.

3. Assistant Railway Manager,
(Meter Gauge), Northern Railway,
Queens Road, Delhi.

4. Divisional Personal Officer,
Northern Railway,
Bikaner, Rajasthan.Respondents. ~

~~ O R D E R (ORAL) ~

By Hon'ble Mr.V.K.Majotra, Member(A)

Through this application, the applicant has challenged order dated 25.9.2001 (Annexure A) passed by respondent no.4 whereby result of the employees in the selection for the post of Assistant Station Master (in short ASM) in the grade of 4500-7000 (RP) against 50% promotee quota has been declared. Learned counsel contended that this result has been declared without taking into consideration the psychological test conducted by the respondent and is based only on the result of the written test followed by viva voce test

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held on 21.4.2001 and 3.8.2001 respectively. According to him this result is against the rules and illegal. He has sought quashing of order dated 25.9.2001 and direction to respondent no.4 to include the name of the applicants in the provisional panel framed for the post of ASM.

2. Drawing our attention to Annexure-B dated 10.1.2001 which is a circular relating to the selection in question, the learned counsel has stated selection procedure included psychological test besides written and viva voce test. Referring to Annexure "C" dated 19.7.2001, he stated that the applicants had qualified in the written test held on 21.4.2001 and they were found eligible for the viva voce test. Their names figure at Sl. Nos. 34 and 45 in Annexure "C". As per the Annexure "D" dated 4/5.9.2001 psychological test of the candidates including the applicants whose names mentioned at Sl. Nos. 16 and 27 were to be held on 11/12.9.2001. Learned counsel pointed out that in Annexure A which is the provisional panel of ASMs only the written test and viva voce test ~~have~~ been taken into consideration and performance in the psychological test was not taken into consideration at all.

3. He contended that only after a candidate has qualified in the viva voce test he is allowed to appear in the psychological test. But in the case of the candidates, their assessment in the psychological



test was not taken into account as a result of which their names were not included in the provisional panel of selected candidates.

4. Rules governing the promotion of group 'C' staff are contained in chapter II Section 'B' of the Indian Railway Establishment Manual V-I. Related paragraphs for promotion to the selection post of ASM are 213, 215, 217 to 223. As per paragraph 215 a selection post filled by a positive act of selection made with the help of Selection Boards from amongst the staff eligible for selection. Promotion to selection posts is made by the competent authority in accordance with the recommendations of the Selection Board. The selection board is constituted under the orders of the General Manager or Head of the Department or other competent authority not lower than a Divisional Railway Manager. Oral test is required to be held besides a written test. The selection board is also required to examine the service record/confidential reports. Selection is made primarily on the basis of overall merit but marks are allocated for professional ability, personality, address, leadership and academic qualification, record of service and seniority. As per note (ii) paragraph 219(g), a candidate must obtain a minimum of 30 marks in professional ability and 60% marks of the aggregate for being placed on the panel. Where both written and oral tests are held for adjudging the professional ability, the written test should not be of less than 35 marks and the candidates must secure 60% marks in written test for the purpose of being called in viva

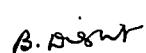


voce test. This procedure is also applicable for filling up of general posts, provided that 60% of the total of the marks prescribed for written examination and for seniority will also be the basis for calling candidates for viva voce test instead of 60% of the marks for the written examination.

5. No separate rules or instructions have been shown regarding the psychological test. Looking at the components of viva voce test or the oral test, in our considered view, psychological test is a part of viva voce test. The contention of the learned counsel that after qualifying in the viva voce test candidates are allowed to appear in the psychological test is not acceptable. In our view the provisional panel declared vide Annexure A is on the basis of written test followed by viva voce test which includes assessment of performance in the psychological test also. Obviously, as per the provisions of rules, final result takes into account the performance in the written test, viva voce test and assessment of personality, leadership qualities etc. On the basis of overall merit, taking into account the performance of the candidates in the written and oral test which includes psychological test, the panel is formulated.

6. Having regard to the relevant rules referred to above and the material before us, we do not find any infirmity in the selection conducted for the post of ASM in question. This OA is accordingly dismissed in limine. No costs.


(V.K. MAJOTRA)
MEMBER(A)


(B. DIKSHIT)
VICE CHAIRMAN(J)

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