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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2490/98

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 28th day of September, 2000

1. Shri Surinder Kumar
Sub Overseer Mistry
Northern Railway
Delhi Kishan Ganj
Delhi.
 2. Shri Virender Singh
Sub Overseer Mistry
Northern Railway
Kernal.
- Applicants

(By Shri B.S.Maine, Advocate)

Vs.

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi.
 2. The Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi.
- .. Respondents

(By Shri R.P.Aggarwal, Advocate)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

The applicants are working as Sub Overseer Mistry. The next higher post on promotion is Junior Engineer-II in the pay scale of Rs.5000-8000. The promotion is by way of selection. On 19.5.1998, DPO, Northern Railway, Delhi Divn., initiated selection process for six posts of Junior Engineers Grade-II (Works), out of which three posts were reserved for General candidates, two for Scheduled Castes and one for Scheduled Tribes. The selection process comprises of written test and viva voce. Out of 50 persons who participated in the written test 10 persons, including the applicants, were found successful, who were

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qualified for viva voce which has held on 26/28.9.1998. After the selection was thus completed, it was found that the applicants were not selected. The present OA is filed questioning the selection process itself.

2. The contention of the learned counsel for the applicants, Shri Mainee is that the applicants were not subjected to the correct process of selection. According to the learned counsel 50% of the marks should be allotted for written test 15% for service record, 15% for seniority and 20% for interview and applicants having been found successful in written test and called for interview and as their service record was unblemished, they should have made the Grade. The respondents however maintained that the selection was properly made and the applicants were not able to secure the minimum qualifying mark as required under the rules, they were not empanelled. They state that the General candidate has to secure 60% marks in aggregate in the written test whereas for SC/ST it is 50% in aggregate.

3. We have given careful consideration to the contentions of the learned counsel for the applicants and the respondents. We have also perused the minutes of selection committee which met 26.8.1998. It is not in controversy that the rules contained in Indian Railway Establishment Manual (IREM) govern the mode of selection. Rule 219(g) of the IREM provides for the procedure to be followed by the Selection Board. According to the said rule selection should be made primarily on the basis of the over all merit, for the

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guidance of Selection Board the factors to be taken into account and their relative weight are laid down as below:-

"E(NG) I-69/PM 1-126 dt. 18-9-69


		Maximum Marks	Qualifying Marks
(i)	Professional ability	50	30
(ii)	Personality, address, Leadership and academic qualification	20	-
(iii)	A record of service	15	-
(iv)	Seniority	15	-

NOTE (i) The item 'record of service' should also take into consideration the performances of the employee in essential Training Schools/Institutes apart from the examining CRs and other relevant records.

E(NG) I.72/PM 1/192 dt.27.6.73

(ii) Candidates 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"

3. Thus, among other requirements, a minimum of 60% of marks in the aggregate is a must for being placed in the panel. It also shows that the written should not be for less than 35% marks. The minutes of the selection which has been produced by the learned counsel for the respondents also shows that the above procedure has been strictly followed. Shri Virender



Singh, 2nd Applicant, has got the required marks in the written test, he was called for the interview but he could not make the grade in the aggregate. As stated in the counter affidavit the other candidate being a reserved candidate, he was only required to get 50% of the marks in the aggregate. But he could not get the aggregate of 50%. Thus both the applicants could not be selected. The Judgement, relied upon by the learned counsel, Mrs. Saroj Ghai Vs. The General Manager, Northern Railway, New Delhi, 1997(1) ATJ Page 13 has no application. In that case, on perusal of the documents it was found that no specific oral test has been conducted though, in the final assessment specific marks of 15 have been given for that purpose. But in the instant case oral test has been held in the shape of viva voce and 15 marks been allotted, for this purpose. We do not therefore find any violation of selection procedure as contained in Rule 219 (g) of IREM. We do not therefore, find no warrant to interfere with the impugned selection. The OA fails is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/