

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

NEW DELHI.

O.A.No.1582/1995

New Delhi: this the 1st day of January, 1997.

HON'BLE MR.S.R.ADIGE, MEMBER(A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J).

1. Smt. Pushpa Kaundal,
W/o Shri B.L. Kaundal,
Head Draftsman, DDP,
CAO (C) Office,
Northern Railway,
Kashmere Gate,
Delhi-6.

2. Shri Lawrence Kuzur,
Head Draftsman,
DDP Section,
Baroda House,
New Delhi

..... Applicants.

(By Shri G. D. Bhandari)

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Chief Personnel Officer,
Northern Railway,
Baroda House,
New Delhi

..... Respondents.

(By Advocate: Shri P.S. Mahendru)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, MEMBER(A).

As admittedly the relief prayed for has been granted to Applicant No.2, what survives is the grievance in respect of Applicant No.1 who seeks promotion, as Chief Draftsman on the basis of her date of appointment dated 1.9.83.

2. We have perused the departmental records relating to the selection for the post of COM. We note that applicant No.1 secured 48% marks in the selection including 8 marks out of 15 for

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marks for seniority; 11 out of 15^{marks} for record of service; 21 out of 35 marks for the written exam. which tested her professional ability; 2 out of 15 marks for viva voce which also tested her professional ability; and 6 out of 20 for personality address and leadership. Only 3 persons out of general category were selected, and the person^{in general category} with lowest marks selected, secured 60%. Even if the applicant was to have been given 15 out of 15 marks for seniority, she would have still secured only 55 %. No person in general category like the applicant with less marks than her has been selected.

3. During hearing, Shri Bhandari asserted that the applicant had an unblemished record of service and had performed well throughout and the selection board should not have given her only 2 out of 15 marks in viva voce test and 6 out of 20 marks for personality and leadership. He also averred that no guidelines had been prescribed for giving of marks for viva voce test and leadership qualities and hence the same was arbitrary, and there was also overlapping between marks awarded for viva voce test and those awarded for leadership qualities.

4. We are unable to agree with these assertions. The selection Committee proceedings have not been impugned and we cannot sit in appeal over their findings. The Selection Committee consisted of a body of experts and no malafides have been alleged against any of its members. We have no materials before us to conclude that their assessment of the professional ability of the applicant and her personality and qualities of leadership as reflected in the marks she obtained for the same during the viva

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voce is not objective and fair. Incidentally we notice that some of the other candidates who appeared in the viva voce secured equal marks or even less, both under professional ability as well as for personality and leadership qualities.

5. Under the circumstance, there are no good grounds to warrant judicial interference in this OA. It is dismissed. No costs.

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J).

S.R. Adige

(S.R. ADIGE)
MEMBER(A).

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