

Central Administrative Tribunal, Principal Bench

Original Application No.2050 of 1995

New Delhi, this the 12th day of January, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. R.K. Ahooja, Member (Admnv)

Mrs. Pooja Rawail (Ne Amarjeet Kaur D/o Sardar Kewal Singh), W/o Sardar Rajender Singh, Aged about 41 years, R/o 1/7596, Street No.9, East Gorakh Park, Shahdara, Delhi. AND EMPLOYED AS Head Clerk (P-4) in the Office of the Divisional Railway Manager, Northern Railway, Government of India, New Delhi. - Applicant

(By Advocate - Shri B.B. Raval)

Versus

1. Union of India through the General Manager, Northern Railway Headquarters, Baroda House, New Delhi-1110001
2. The Divisional Railway Manager, Northern Railway, New Delhi.
3. Shri Sunil Mishra, Senioral Divisional Personnel Officer, Northern Railway, C/o Respondent No.1.
4. Shri Madan Sain, Assistant Personnel Officer Northern Railway, C/o Respondent No.1
5. Shri R.K. Sharma, Head Clerk (Personnel Branch) Northern Railway, C/o Respondent No.1
6. Shri Usha Sharma, Assistant Superintendent, Divisional Railway Manager's Office Northern Railway, New Delhi. C/o Respondent No.1
7. Shri S. Bose, Assistant Superintendent, Divisional Railway Manager's Office, Northern Railway, New Delhi. C/o Respondent No.1. - Respondents

(By Advocate Shri O.P. Kshatriya)

ORDER (ORAL)

By R.K. Ahooja, Member (Admnv) -

The applicant who was working as Head Clerk had applied for the post of Assistant Superintendent in response to a notice issued by the respondents on 8.2.94. After she was considered eligible she appeared in the written test and by office order dated 16.3.1994

On

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(Annexure-A-4) she was declared qualified and placed at serial no.8 out of 11 persons. Thereafter she appeared in the viva voce but her name did not appear in the list of persons empanelled for promotion declared vide respondents' office memo dated 5.4.1994 (Annexure-A). The applicant has now come before the Tribunal alleging that she was not properly considered for promotion due to malafide on the part of respondents 3 and 4.

2. The allegation is denied by the respondents. They submit that the case of the applicant was considered on the basis of the rules prescribed in the Indian Railway Establishment Manual.

3. We have heard the counsel. In order to better appreciate the grounds taken we had also called for records relating to selection and have perused the same. These records show that the applicant had secured 60% marks in the written examination ; had also been given 15 marks out of 20 for personal ability; 10.2 marks out of 15 for record of service; and 6.6 marks out of 15 on the basis of seniority. However, she was given only 4 marks out of 15 on account of viva voce. We noticed that this was the lowest mark awarded by the Selection Board to any candidate. The number of marks given to the other candidates who had been declared successful, for instance Smt. Usha Sharma, who had got much less marks than the applicant in the written test, in terms of record of service and personal ability had been disproportionately higher e.g. 15 out of 15. On the face of the record we find that the case of the

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applicant has not been properly considered. Therefore, without going into the allegation of malafide against respondents 3 and 4 we consider that the case requires reconsideration of the applicant's candidature.

4. In the result, the OA is allowed. The respondents are directed to reconsider the matter by a review DPC which will not include respondents 3 and 4. If the applicant is found fit for promotion, then she shall be given promotion from the date her immediate junior was given promotion with all consequential benefits. It will be done within a period of four months from the date of receipt of a copy of this order. In the circumstances of the case, the parties shall bear their own costs.

(Ashok Agarwal)
Chairman

(R. K. Ahuja)
Member (Admnv)

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