

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

O.A. No. 522/1995

New Delhi this the 24th Day of April 1995.

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

Hon'ble Mr. K. Muthukumar, Member (A)

1. Shri Sushil Tirkey,
S/o Shri Emanuel Tirkey,
Fitter Grade III, Northern Railway,
Ghaziabad and Resident of Mohalla - Bhur,
Ghaziabad, U.P.

2. Shri Anil Kumar Topno,
S/o Shri HMT Topno,
Fitter Grade III, Northern Railway,
Hazarat Nizumuddin,
R/o Mohalla Bhur,
Ghaziabad, U.P.

... Applicants

(By Advocate: Shri P.L. Mimroth and
Shri N.I. Tudu)

Vs.

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

2. The Divisional Personnel Officer,
Northern Railway,
State Entry Road,
New Delhi-110 001.

... Respondents

O R D E R (Oral)

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

The applicants who belong to Scheduled Tribes category and are working as Fitter Grade III under the second respondents appeared for a written test for promotion towards 20% quota of vacancies in the cadre of intermediate apprentices/TXRs etc., in the grade of Rs. 1400-2300. Out of the 12 posts, 8 were to be filled by persons belonging to other communities while 3 were reserved for Scheduled Castes and one for Scheduled Tribe. The grievance of the applicant is that though

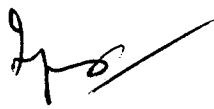
✓

both of them had done well in the written examination, to their surprise the panel prepared on the basis of the result ~~in the panel~~ of 14 persons who had qualified to be called for viva voca, ~~but~~ their names were not included. The applicants have filed the application praying that the respondents may be directed to place the answer papers of all the candidates before the Tribunal for impartial evaluation, to conduct fresh test and interview exclusively for SC, ST candidates for selection and, they may be restrained from filling the vacancies reserved for Scheduled Tribes and Scheduled Castes by appointing candidates belonging to other categories. We have gone through the allegations made in the application and in the additional affidavit as also the material placed on record as Annexures. Apart from the wishful thinking in their minds that their answer papers have not been properly valued in the light of the instructions in regard to the evaluation of answer papers of candidates belonging to reserved categories, contained in the Railway Board Circular, there is absolutely nothing in the allegations in the application which would create atleast a suspicion that the authorities concerned have not acted fairly in the matter of evaluating the answer papers and preparing the panel.

2. Scanning through the application and the additional affidavit, and also the other materials placed on record we did not find anything which would even faintly suggest that there is reason to suspect that the panel has been prepared in violation of the instructions of the Railway Board or that the answer papers have not been valued correctly. The disappointment in the minds of the applicant in not being brought on the panel for viva voca would have made them apprehend that their answer papers were not properly evaluated; but that does

✓

not justify drawing an inference or even doubting that the authorities have not acted in accordance with the instructions on the subject ~~and~~ . There is no allegation of malafide against the respondents nor is there any allegation that the respondents have acted arbitrarily. There is also no material which would even, faintly suggest that there is an attempt to fill up the post reserved for Scheduled Tribe candidate by appointing somebody from other communities. Evaluation of answer papers in written test is to be done by the authorities concerned. The Tribunal cannot take up that function, ^{So} long as there is nothing to suspect that the authorities have acted ^{on} a malafide manner or have taken extraneous matters into consideration, ^{Judicial} judicial intervention is not called for. On a careful perusal of the application and connected papers and on hearing the learned counsel for the applicant, we find nothing in the application which deserves the admission of the application. Hence the application is rejected under Section 19(3) of the A.T. Act.


(K. Muthukumar)
Member(A)


(A.V. Haridasan)
Vice Chairman(J)

Mittal