

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1547/2000

New Delhi this the 18th day of August, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

M.S. Gupta,  
S/o Shri S.R. Gupta,  
R/o Railway Quarter,  
Northern Railway Colony,  
Muzaffarnagar.

..Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

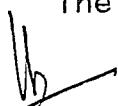
1. Union of India, through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
New Delhi.

..Respondents

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

The applicant has challenged respondents' letter dated 31.5.99 Annexure A-1 whereby his representation dated 6.4.99, Annexure A-2, regarding his claim for promotion as Chief Booking Supervisor Grade Rs. 6500-10500 and interpolating his name in the select list dated 8.10.96, Annexure A-3 has been rejected. The select list issued on 8.10.96, includes the name of two persons, namely, Shri S.K. Divedi and Shri Raghbir Singh Nagar who retired on 30.9.96. According to the applicant, since he had qualified in the written test and had made the grade in the viva-voce test and he had unblemished service record, he had a right for empanelment in the select list. The next selection was held by the respondents vide



orders dated 27.2.98 Annexure A-14 in which again he qualified in the written test, but before the viva-voce test could be held, the selection process was cancelled. The applicant is due to retire on superannuation on 31.12.2000. The selection process was held again and the applicant cleared the written test vide Annexure A-15 dated 23.6.2000. This process again was shelved due to some reasons. The applicant has sought setting aside and quashing of the impugned order dated 31.5.99 Annexure A-1 and direction to the respondents to select the applicant vice the aforestated two persons who retired on 30.9.96.

2. We have heard the learned counsel. According to him, whereas as per Annexure A-3, 21 persons were placed in the panel on 8.10.96 on the basis of viva-voce held on 31.7.96, Shri S.K. Divedi and Shri Raghbir Singh Nagar who had already retired on 30.9.96 were also placed in the panel. If they were not empanelled, the applicant on the basis of his seniority would have found a place in the panel. The applicant was sent for P7A course between 4.11.96 & 27.12.96 vide Annexure A-8. According to the learned counsel, only such persons are detailed for this training who have to be promoted for the post of Chief Booking Supervisor. The applicant completed the training course successfully. On the basis of the successful completion of P7A course, 14 personnel who were declared passed were promoted as CBS from the list of 21 candidates who have been selected for the post as per Annexure A-3.



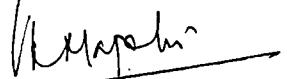
3. The process of selection for the post of Chief Booking Supervisor grade Rs. 2000-3200 was initiated by the respondents on 19.4.96, Annexure A-5. Although it is not mentioned in the related Memorandum as to for how many vacancies the selection would be held, normally these selections are held for vacancies which have occurred prior to the initiation of the selection process. Obviously, the selection was held for 21 vacancies for which the list of candidates who had cleared the written test is at Annexure A-6. The applicant is at Sr. No. 25. 21 candidates who ultimately cleared the viva-voce are at Sr. No. 1 to 21 in Annexure A-6 i.e. they have been placed in the list as per their seniority. The applicant's counsel argued that those who had retired, should not have been empanelled. We further find from Annexure A-6 that one Shri Sardari Lal Kakkar who also retired on 30.6.96 and finds placement among personnel who had cleared the written test did not find place in the provisional panel Annexure A-3. According to the learned counsel of the applicant it happened because Shri Kakkar had not qualified in the viva-voce test.

4. From perusal of Annexure A-1, it is clear that the persons who retired later on but were in active service at the time of the occurrence of the vacancies have to be considered in the selection process and if they are found fit they have to be placed in the panel, as it happened in the present case that Shri S.K. Divedi and Shri Raghbir Singh Nagar were found fit, and were placed in the panel on the basis of viva-voce held on 31.7.96 though they

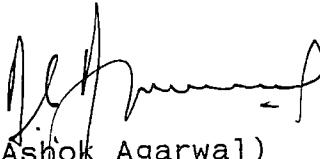


retired on 30.9.96. Normally the selection process cannot taken into consideration the retirement of personnel at a stage later than the occurrence of the vacancies and initiation of the selection process. Since the persons who retired later on have to be considered in the selection process and the applicant was not among the selected 21 persons as per the seniority, the contention of the respondents in Annexure A-1 is held to be right that he will have to appear in the selection for the post of CBS afresh as the staff which retired was on the cadre strength at the time of selection.

5. In this view of the matter, we do not find any infirmity in the selection process and the reasons for rejection of the applicant's application dated 6.4.99. Thus, the O.A. is dismissed. No costs.

  
(V.K. Majotra)

Member (A)

  
(Ashok Agarwal)  
Chairman

cc.