

Central Administrative Tribunal  
Principal Bench

O.A. No. 1612 of 2000

(12)

New Delhi, dated this the 13th November, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Vinod Kumar Vats,  
S/ late Shri Ram Prakash,  
R/o 45-F, Railway Colony,  
Tughlakabad,  
New Delhi-110044. .... Applicant

(By Advocate: Shri T.P. Mishra)

Versus

Union of India through  
the General Manager,  
Baroda House,  
New Delhi-110001. .... Respondent

(By Advocates: Shri V.S.R. Krishna  
and Shri Rajinder Khattar)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant seeks a direction to respondents to place his name in the panel dated 18.4.1995 in order of merit with all consequential benefits.

2. We have heard applicant's counsel Shri T.P. Mishra and Respondent's counsel Shri V.S.R. Krishna assisted by Shri Rajinder Khattar.

3. Admittedly respondents initiated selections for filling up the 8 posts of Hindi Assistant Grade II (Rs.1400-2300), for which applications were called for, vide their letter dated 6.12.94. Out of 8 posts, one was reserved for SC, one for ST and the remaining six vacancies were to be filled by general candidates. Twenty six candidates

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were called for written test which was held on 25.2.95 of whom eleven candidates were declared passed in the written test, on 23.3.95. Viva voce test was held on 5.4.95. On the basis of their performance in the written test, applicant was called for the viva voce test but he was not placed placed in the panel.

4. The procedure for conducting the selections is contained in the Para 219 G, 219 H, I and J IREM Vol. I. The above procedure for filling up these selection posts in the general category was reviewed by respondents pursuant to the Hon'ble Supreme Court's judgment dated 15.3.96 in M. Rama Jayaram Vs. General Manager, South Central Railway & Others 1996 (1) SLJ Vol. 22 page 536, pursuant to which the marks for seniority were not to be awarded for the purpose of selection. As per revised procedure, marks were to be awarded for written test, viva voce test and record of service and the final panel was to be drawn up from amongst those securing 60% marks in the professional ability and those securing 80% marks or more would be declared as successful and would be placed on the top of the panel in order of seniority.

5. A perusal of the panel maintained in respondents' records, which was also shown to applicant's counsel during hearing, reveals that eleven candidates secured 60% marks or more, and were placed in the order of seniority in terms of the

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revised selection procedure adopted by respondents pursuant to the Hon'ble Supreme Court's order in M. Rama Jayaram's case (supra).

6. Applicant was at Sl. No. 11 in the order of seniority and, therefore, could not be selected against one of six vacancies available for general category.

7. During hearing applicant's counsel had drawn our attention to the Tribunal's order dated 19.1.2000 in O.A. No. 552/96 Parimal Singh Vs. Union of India, and he prayed that the same consideration be given to applicant also. However, a perusal of the panel of selectees reveals that Shri Parimal Singh, who secured more marks than applicant and is immediately above applicant in the list of 11 candidates could also not be accommodated against six vacancies available for general category.

8. Under the circumstances even after disregarding the marks for seniority it is clear that

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applicant cannot be accommodated against one of the six vacancies available for general category as per rules and instructions on the subject.

9. The O.A. stands disposed of accordingly.

No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member (J)

S. R. Adige

Vice Chairman (A)

karthik