



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.62/2000

New Delhi, this the 3rd day of September, 2002.

HON'BLE SHRI JUSTICE V. S. AGGARWAL, CHAIRMAN
HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Shri Harnaraian
working as Head Parcel Clerk,
Nizamuddin Railway Station,
Northern Railway,
New Delhi.

... Applicant

(By Shri Romesh Gautam, Advocate)

-versus-

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

2. Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

... Respondents

(By Shri D.S.Jagotra, Advocate)

O R D E R

Shri V.K.Majotra, Member (A) :

Applicant is working as Head Parcel Clerk at Nizamuddin Parcel Office in the Delhi Division of the Northern Railway. He appeared in the selection for the post of Parcel Supervisor grade Rs.1600-2660. Whereas he qualified in the written test as per Annexure P-4 whereby result of the written test was declared, the result of his viva voce test held on 21.4.1997 was not declared by respondents for quite some time. When the result of the viva voce was declared in pursuance of order dated 28.10.1998 in O.A. No.1949/1998, respondents had initiated the process of selection for the post of Chief Parcel Supervisor vide Annexure P-1 colly. Applicant was declared unsuccessful in the selection for the post of Parcel Supervisor (Annexure P-2 dated 15.10.1998). Applicant has

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challenged order dated 28.8.1998 (Annexure P-1 colly) whereby selection for the post of Chief Parcel Supervisor was commenced, as also order dated 15.10.1998 (Annexure P-2) by which result for the post of Parcel Supervisor was declared and applicant's name did not find place therein.

2. The learned counsel of applicant stated that applicant had earlier on filed O.A. No.1949/1998 which was dismissed as withdrawn on 28.10.1998 (Annexure P-7) with liberty to file a fresh O.A. with a view to challenge the results of the selection for the post of Parcel Supervisor.

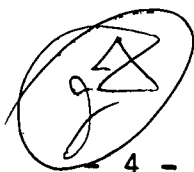
3. The learned counsel of applicant contended that there are several irregularities in the selection in question. He stated that respondents had not properly calculated the number of vacancies. He referred to respondents' counter reply in O.A. No.1909/1996 in which the applicant too was a party. Further, he stated that whereas respondents have declared seven candidates as successful, they have wrongly accorded marks of notional seniority (grace marks) to S/Shri J.P.Dass, R.K.Gupta and Suresh Ram although they had secured less marks than applicant in the result of the written test. According to the learned counsel, if applicant's result for the post of Parcel Supervisor had been declared at the appropriate time and not delayed, he would have been considered for the post of Chief Parcel Supervisor in the selection initiated vide Annexure P-1.

4. We have perused the records of the selection for the post of Parcel Supervisor and also the counter reply filed by respondents 1 and 2 in O.A. No.1909/1996 : Pramod Prakash & Ors. v. Union of India & Ors., at the behest of the learned counsel of applicant herein.

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5. In the present O.A., the learned counsel of respondents stated that there were 22 posts of Parcel Supervisor grade Rs.1600-2660 (RPS) for which selection was held. Out of these 22 posts, of Parcel Supervisors (Non-Safety), one was reserved for SC category and one for ST category. The remaining 20 posts were to be filled from the general category. As per rules, 66 candidates were called for the written test. 20 qualified. 6 of them were declared to have qualified for the viva voce after adding the marks of their notional seniority with the condition that they would be placed on the panel subject to their securing 60% marks in professional ability and 60% in aggregate. Professional ability constitutes marks of written test plus marks obtained in viva voce. As regards SC/ST candidates, in accordance with the relaxed standards as per extant rules, they can be empanelled after securing 50% marks in professional ability and 50% in aggregate. If an SC/ST candidate secures 60% or more marks, candidates of relaxed standards are not considered for empanelment. According to the learned counsel of respondents applicant could not qualify the viva voce and, therefore, his name was not included in the panel dated 15.10.1998. Five candidates were placed in the panel for the post of Parcel Supervisor. The result of two candidates was kept in sealed cover as they were facing major panelty SF-5 chargesheet.

6. From the counter reply of respondents 1 and 2 in O.A. No.1909/1996, it is established that respondents had stated that there were 22 posts (general: 20, SC: 1, and ST: 1). As per the seniority list dated 8.4.1996, 60 eligible candidates were called for consideration for general posts, 3 for SC and 3 for posts reserved for ST category, on the basis of the field of consideration being three times of the vacancies. We do not discover any infirmity in the number of



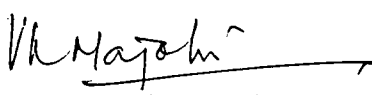
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candidates considered by respondents in the selection for the post of parcel supervisor on the basis of the counter reply filed by respondents in the present O.A. vis-a-vis that filed in O.A. No.1909/1996.


7. The perusal of the records for the selection in question indicates that, among others including S/Shri J.P. Dass, Suresh Ram and Kailash Prasad who were at Sl. Nos.8, 10 and 11 vis-a-vis applicant at Sl. No.7 in the result of written test (Annexure P-4), applicant was also accorded seniority marks. It has been confirmed that applicant could not qualify the viva voce. The marks obtained by the aforementioned three persons were higher than applicant's and met the prescribed standards for selection. In the light of the facts, related instructions and procedure followed by respondents, we do not find any infirmity in the selection of five candidates placed on the panel for the post of Parcel Supervisor and keeping the result of two candidates in the sealed cover.

8. We also do not find any force in the contention put forward on behalf of applicant that had his result not been delayed, his name would have been in the panel of Parcel Supervisor and thus he would have been eligible for selection for the post of Chief Parcel Supervisor.

9. Having regard to the reasons recorded and discussion made above, we do not find any merit in the O.A. which is dismissed accordingly. No costs.


(V. K. Majotra)
Member (A)

/as/


(V. S. Aggarwal)
Chairman