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Central Administrative Tribunal  
Principal Bench, New Delhi.

O.A.No.851/1989

New Delhi, This the 15th April 1994

Hon'ble Shri N. Dharamadan, Member(J)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

Shri Virender Kumar Arora  
s/o Shri Pearey Lal Arora  
r/o 163/11, Railway Colony, Kishan Ganj  
Delhi - 110066.

...Applicant

By Applicant in person

Versus

1. Union of India, through  
General Manager, Northern Railway,  
Baroda House, New Delhi.
2. Senior Divisional Personnel Officer,  
Northern Railway, D.R.M. Office,  
Pahar Ganj, New Delhi.

...Respondents

By Advocate Shri Shyam Moorjani

O R D E R (Oral)

Hon'ble Shri N. Dharamadan, Member(J)

1. The only question to be examined is whether the applicant passed both the written and viva examination conducted in the departmental examination for the selection to the post of Apprentice Chargeman(Diesel) Mechanic. The facts are as follows.
2. The applicant was appointed as Diesel Cleaner on 27.5.1975. and was promoted to the post of Diesel Fitter on 16.7.1980. While he was working in that post vacancies arose in the post of Enquiry and Reservation Clerk in the grade of Rs.330-560(old). The applicant applied for the said post. When he was duly selected, the Railway posted the applicant as Enquiry and Reservation Clerk in the grade of Rs.1200-2040(revised scale). While so working the applicant saw a

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notification for the post of Intermediate Apprentice Chargemen (Diesel) Mechanic and the applicant applied for the same. In the written examination he was declared qualified and his name was included at Serial No.9 in the list. He was invited for a Viva on 15-11-88. According to the applicant, when he appeared for the Viva he was told that he need not be interviewed since he has been selected for Enquiry-cum-Reservation Clerk. The applicant has filed this O.A. under section 19 of the A.T. Act 1985 by challenging the list of candidates selected and stated that if the applicant had been allowed to participate in the Viva he would have been selected and his name would have been included in the Annexure-A dated 11-1-1989.

3. The respondents denied the averments made by the applicant. They state that the applicant was interviewed on 16-11-89 but he failed to qualify in order to be placed on the panel and hence his name was not included in the Annexure-A.

4. In the rejoinder the applicant stated that he was deprived of the right of attending the interview and he was not considered and the fact may be verified from the records of the respondents.

5. As indicated above, the only question is whether the applicant is qualified for being included in the panel after securing the minimum marks in written examination and based on his performance in Viva. The respondents made it clear that the applicant was interviewed and he failed to get empanelled.

6. The applicant appeared in person and stated that he needs time to engage a counsel to argue his case. Since we have perused the records and found

that the facts are clear and the case may be decided on the admitted facts we are satisfied that giving further time will only delay the disposal of the matter. Therefore we are of the opinion that this case has no merits and is dismissed <sup>as to</sup> devoid of any merit. No costs.

*P. T. Thiruvengadam*

(P.T. THIRUVENGADAM)  
Member(A)

*N. Dharamadan*

(N. DHARAMADAN)  
Member(J)

15.4.94.

LCP