

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No. 1809/1988

New Delhi this the 3th Day of December, 1993

The Hon'ble Member Sh.B.N.Dhoundiyal, M(A)

The Hon'ble Member Sh.B.S. Hegde, M(J)

Sh. Amar Singh,
S/o Late Sh. Mangal Singh
R/o A-492, Sector-12, New Vijay Nagar,
Ghaziabad(UP)

.... Applicant

(None for the applicant)

V/S

1. Union of India,
General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Chief Personnel Officer,
Northern Railway, New Delhi
3. Senior Personnel Officer,
Northern Railway,
Rajasthan.
4. Sh. Ramesh Chand,
Welfare Labour Inspector
Personnel Branch,
Northern Railway HQ,
Baroda House, New Delhi

.... Respondents

(BY Advocate Sh. Rajesh)

ORDER (ORAL)

(Hon'ble Sh. B.N.Dhoundiyal, Member, (A))

In this O.A Sh. Amar Singh, Senior Typist
in the Personnel Branch of Northern Railway, Headquarter
has challenged the impugned order dated 20.7.1988
passed by the General Manager(P), Northern Railway to
read with notice 21.7.1988. The main averment made in the

O.A. is that ~~the applicant~~ while working as senior typist the applicant, respondent no.4 and 26 other candidates qualified the written test for the post of Welfare Labour Inspector and also appeared before the Selection Committee for viva-voce test held on 4/5-7-1988. His name is at serial No.2 in the composite seniority of all the 28 candidates declared successful in the written test. However, the senior most candidate did not appear for viva-voce test and the applicant was senior most amongst all the candidates who qualified the written test and appeared for viva voce test. One vacancy was reserved for S.C. candidate and though the applicant was senior most S.C. candidate, this vacancy went to respondent No.4. A panel of selected candidates was notified by the impugned order dated 20.7.1988. This selection has been challenged on the following grounds:-

2. The claim of the applicant, who was senior most has been totally ignored by giving undue unreasonable, exaggerated and heavy weight to other junior candidates particularly to respondent No.4 who was close to the Chairman of the Selection Committee

as they come from the same state. Also against two SC/ST vacancies only one candidate was selected. As this was ex-cadre post, actual vacancies and anticipated vacancies for the next two year were not correctly assessed. No separate interviews had been arranged for the Genl. candidates and S.C. candidates. As the applicant was superseded, it was incumbent upon the respondents to place the matter before the authority concerned in accordance with instructions contained in Railway Board letter dated 17.4.1982.

3. The applicant has ~~been~~ ⁱⁿ prayed for the following reliefs:-

- i- Declare the selection of the respondent No.4 to the post of Labour Welfare Inspector against the reserved vacancies as null and void and applicant be declared as selected candidate against the reserved point with all consequential benefits.
- ii- Direct the respondents to conduct the process of viva voce test to the post of Welfare Labour Inspector on the basis of fair reasonable and just principles and strictly in accordance with the instructions and orders issued by the Railway Board.
- iii- Direct the Respondents to assess the correct vacancies of the Welfare Labour Inspectors as per extent orders and work out the number of vacancies reserved for SC & ST.

4. In the counter filed by the respondents. The following averments have been made:-

Sh. Amar Singh, the applicant, did not perform well in viva-voce test which also assesses professional ability.

A total of 100 marks are allotted for selection. Out of

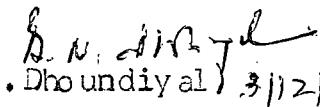
ⁱⁿ

100 marks, 50 marks are for professional ability which are further divided into two parts viz 35 marks for written test and 15 for interview. The genl. candidate are to qualify for interview by 50 marks in written test i.e. 21 out of 35 marks whereas reserved class candidate to secure minimum 10 marks and in aggregate they have to 50 marks to be placed on the panel. Sh. Amar Singh failed to secure minimum required marks. No separate interview for SC candidates in a block was arranged but no injustice was done in any SC candidate who appeared in the interview and the selection board included a member from S.C. community.

5. It is clear that the applicant appeared for the selection but could not secure the minimum marks after required viva-voce test. He has not able to make out any case and the application is hereby dismissed. No costs.


(B.S. Hegde)

Member (J)


(B.N. Dholiyal) 3/12/93

Member (A)