

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH
AT HYDERABAD**

OA/021/306 /2020



HYDERABAD, this the 26TH day of June, 2020

THE HON'BLE MR.ASHISH KALIA : JUDICIAL MEMBER

THE HON'BLE MR.B.V.SUDHAKAR : ADMINISTRATIVE MEMBER

BETWEEN:

1. B.Stalin S/o. B.Rajan,
Aged about 37 years, Working as PointsMan-A,
O/o. Station Manger, Kachiguda Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.
2. K.Ravinder, S/o K.Bhaskar,
Aged about 36 years, Working as PointsMan-A,
O/o. Station Manger, Kurnool City Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.
3. Ajay Kachhap, S/o AldisKachhap,
Aged about 39 years, Working as PointsMan-A,
O/o. Station Manger, Falaknama Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.
4. IndrajMeena, S/o Shree Lalmeena,
Aged about 33 years, working as PointsMan - A,
O/o. Station Manager, Kamareddy Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad
5. SantoshParshuram, S/o ParshuramJalaba
Aged about 35 years, Working as PointsMan-A,
O/o. Station Manger, Sivungaon Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.
6. NikhateUmeshSadashiv, S/o SadashivGunaji,
Aged about 32 years, Working as PointsMan-A,
O/o. Station Manger, Umri Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.

7. Manoj Mahto, S/o PamuMahto
Aged about 30 years, Working as PointsMan-A,
O/o. Station Manger, Nizamabad Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.

8. E.Ramesh, S/o E.Shankar,
Aged about 31 years, Working as PointsMan-A,
O/o. Station Manger, Mirzapally Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.

9. Deepak, S/o Pejsingh
Aged about 32 years, Working as PointsMan-A,
O/o. Station Manger, Nizamabad Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.

.....APPLICANTS.

(By advocate: Smt. RachnaKumari)

A N D

1. Union of India represented by
The General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. The Divisional, Railway Manager (P)
South Central Railway,
Hyderabad Division, Hyderabad.
3. The Senior Divisional Personnel Officer,
South Central Railway,
Hyderabad Division, Hyderabad.
4. G.Sandhya Rani, Aged about 23 years,
Occ: Sr. Commercial Clerk, ShadNagar Railway station
South Central railway, Hyderabad Division,
Hyderabad.
5. SanjeevKumar, Aged About 34 years,
Occ:PointsMan-A, O/o. Station Manger,
Nizamabad Railway Station,
South Central Railway, Hyderabad Division,
Hyderabad.

...RESPONDENTS

(By Advocate: Sri N. SrinathaRao, SC for Railways)

Oral Order
(per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conference

The OA has been filed against the notification dt.7.6.2019 of the 2nd respondent to the extent of not notifying number of vacancies of SC/ST and releasing the impugned memo dt. 03.06.2020 empanelling 37 candidates for promotion to the post of Goods Guard against the 38 vacancies notified, without declaring the merit list marks in the written examination and record of service.

3. Brief facts of the case are that the respondents issued notification dt. 07.06.2019 calling for applications from eligible employees to fill up posts of Goods Guards in Level 5 against 60% departmental quota through selection, by prescribing certain conditions as specified in para 4 of the OA. The applicants who are working as Pointsmen A during the period 2013 to 15, being eligible, appeared in the examination held on 02.02.2020 pursuant to the said notification and without declaring the merit list of the selected candidates, the respondents have selected 37 candidates against the 38 notified vacancies of Goods Guard and selected candidates are being sent or training. Aggrieved over their non-selection, applicants have filed this OA.

4. The applicants have raised several grounds in the OA claiming that they are eligible to be selected. The major contention is that the aspect of



reservation has not been taken care of while making the selection to the said posts. The respondents have also prepared select panel on 03.06.2020 for promotion to the post of Goods Guard, without declaring the merit list and without following the rules and the procedure on the subject of selection

5. Heard both the counsel and perused the material on record.
6. The issue is about selection to the posts of Goods Guards against the notification dt.7.6.2020 under 60% Departmental quota. 125 candidates appeared in the written examination conducted against the notification cited and 37 candidates were selected against 38 notified vacancies. Applicants submitted that reservation aspect of selection was ignored and that the merit list was not published. Besides, the applicants have submitted representations to the respondents to declare the merit list, but there is no response from the respondents. Learned counsel for the respondents submitted that the respondents are willing to publish the merit list within one week and that the reasons would also be given as to why the applicants could not be selected, while responding to the representations referred to. Responding to the submissions of the learned standing counsel for the respondents, learned counsel for the applicants prayed that, till the merit list is published, the selected candidates should not be sent for training. After hearing both the sides, the Tribunal is of the view that whenever any examination is conducted,



results have to be published so that the candidates who appear in the examination are rest assured of fairness in the examination. Further, it requires no reiteration that the aspect of reservation has to be followed by displaying the relevant details as called for under the Rules.

7. In view of the above, the respondents are directed to display results within a period of one week from today and also dispose of the representations of the applicants dated 5.6.2020, 7.6.2020 & 8.6.2020, filed at pages 27 to 33 of the OA, by responding to the grounds raised in the OA by issuing a speaking and reasoned order, within a period of 8 weeks from the date of receipt of this order. After disposal of the representations, if the grievance of the applicants still persists, they would be at liberty to approach this Tribunal, in accordance with law, if they are so advised. Till the merit list is published as directed above, the selected candidates should not be sent for training. It is made clear that this Tribunal has not gone into the merits of the case at this stage.

OA is disposed of with the above directions, at the admission stage itself.

No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVEMEMBER

(ASHISH KALIA)
JUDICIALMEMBER

vl/evr