

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of November 2002.

QUORUM : HON. MR. S. DAYAL, A.M.
HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 160 of 1996

Ambika Singh S/O Chekhur Prasad employed as Fitter under D.M.E.
(DSL) Northern Railway, Mughal Sarai, District Varanasi.

..... Applicant.

Counsel for applicant : Sri S.K. Dey.

Versus

1. Union of India through General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow.
3. Surendra, Chargeman, Gr.B, Diesel Shed, N.R. Alambagh, Lucknow
4. Mishree Lal, Chargeman, Gr.B, Diesel Shed, N.R., Alambagh,
Lucknow..... Respondents.

Counsel for respondents : Sri P. Mathur.

ORDER

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside the panel dated 1.5.1996 and a direction to respondents to consider the applicant for empanelment.

2. The case of the applicant is that a selection through written test and viva voce was held for the post of Chargeman Grade 'B' in which the applicant along with other candidates appeared but in the final panel, applicant was not included but the Respondent Nos.3 and 4 were included. The claim of the applicant is that he is intermediate passed with ITI while the respondents were only matriculates. It is claimed that the selection was not proper as no weightage has been given to the qualification of the applicant. It is also claimed that the representation of the applicant was not given due consideration. The panel has been operated without considering the representation.

3. The arguments of Sri S.K. Day for applicant and Sri

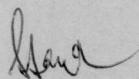
P. Mathur for respondents have been heard.

4. We have considered the arguments advanced by the parties. None of the arguments advanced on behalf of the applicant justify the claim of the applicant in so far as the Respondent Nos. 3 and 4 were senior to the applicant and had given a better performance in *viva voce* than the applicant. As a matter of fact, the list shows that even persons at Sl. No. 1, 8 and 12 had more qualifications. The Selection Committee ^{gone &} does not appear to have ~~given~~ by merely qualifications but also by personality marks in *viva voce*, records in service and the seniority. Such a consideration of the applicant, who had qualified in the written, cannot be faulted.

5. We, therefore, dismiss the O.A. lacking in merit. There shall be no order as to costs.



J.M.



A.M.

Asthana/