

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 29th day of April 2002.

QUORUM : HON. MR. S. DAYAL, A.M,
HON. MR. RAFIQUDDIN, J.M.

O. A. No. 710 of 1996.

Ashok Kumar Sharma s/o Late Sri Satya Prakash Sharma r/o 9/50
Moti Katara (Gali Pokhar Para) Agra..... Applicant.

Counsel for applicant : Sri R.K. Malviya.

Versus

1. Union of India through Secretary, Ministry of Railways,
New Delhi.
2. Divisional Railway Manager, Jhansi.
3. Sri Ram Pyare, Yard Master, Jhansi Central Railway.
4. Sri Devendra Singh Sharma, Station Master, Vrindaban Road,
Central Railway, Mathura.
5. Sri B.V. Srivastava, Station Master Kalaras, Central
Railway, District Gwalior (MP)
6. Sri S.K. Srivastava, Asstt. Station Master, Jhansi Central
Railway.
7. Sri V.K. Asthana, Asstt. Station Master, Raghau, Central
Railway.
8. Sri A.K. Srivastava, Asstt. Station Master, Jhansi
Central Railway.
9. Sri N.S. Yadav, Asstt. Station Master, Raja Ki mani,
Central Railway, Agra.
10. Sri S.K. Gautam, Asstt. Station Master, Lalitpur, Central
Railway.
11. Sri V.K. Datta, Asstt. Station Master, Rundhi, Central
Railway.
12. Sri K.K. Agnihotri, Asstt. Station Master, Jhansi, Central
Railway.

..... Respondents.

Counsel for respondents : Sri A. Sthalekar.



ORDER (ORAL)

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

This application has been filed for seeking a direction to the respondents to promote the applicant on the post of Station Superintendent/Chief Yard Master etc. in the scale of Rs. 2000-3200 w.e.f. 26.3.96.

2. The applicant has claimed that he joined railway service on 11.5.1965 as Telegraph Signaller at Agra. The respondents issued an office order dated 15.11.95 for conducting a written examination for the selection of Station Supdt./Station Master/Yard Master/T.I./MVI in the Grade of Rs.2000-3200 in the operating department in Jhansi Division. It is claimed that there were 25 vacancies of general candidates, 3 vacancies for S.C. candidates and 5 vacancies of S.Ts against which 75 candidates from general category, 9 candidates from S.C. category and 4 candidates from S.T. category were called. The written examination was conducted on 2.12.95 and 9.12.95 in which Respondent Nos.3-12 along with applicant were declared successful. He claims that the respondents had not qualified yet they were called for Viva Voce. He claims that the respondents were only included in the panel drawn even though they had not passed the written examination.

3. We have heard Sri R.K. Malviya for applicant and Sri A. Sthalekar for respondents.

4. We find that the respondents had circulated the list of eligible candidates on 15.11.95 (Annexure-I) for appearing at the written examination for filling up 25 post of general category, 3 post of SC and 5 post of ST. The written examination was held on 2.12.95 and 9.12.95. The names of respondents appears at Sl.No.9, 12, 14, 17, 22, 26, 28, 35, 37 and 44 while the name of the applicant appears at Sl.No.72 of the said list. The result of written examination

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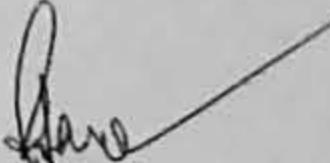
was declared by a notification dated 7.2.96 in which the respondents as well as the applicant were declared successful in the written test. In the note incorporated below the list, it has been stated that staff against whom asterisk mark had been shown, were allowed to appear in the viva voce test on the basis of notional seniority marks. In the final panel, the name of the applicant was not included as a result of viva voce.

5. The claim of the applicant that the respondents have not qualified in the written examination and even then they were allowed to appear in the viva-voce test is based only on the fact that the respondents have been shown as beneficiaries of notional seniority in the list of successful candidates at the written test dated 7.2.96.

6. We find that the applicant has not challenged the seniority of the respondents in the O.A. His contention that the respondents had not been declared successful in the written examination is also inadmissible on account of the fact that the names of the respondents is included in the notification containing the result of the written test dated 7.2.96. We find that the applicant had ample time after 15.11.95 when the list of eligible candidates was circulated for the first time for holding selection and again after 7.2.96 when the result of the written test was declared and yet the applicant appeared ^{at} ~~with~~ the viva-voce test on 27.2.96 and came before us only after he was not included in the final list. We, therefore, find no merit in the O.A. and the same is dismissed.

There shall be no order as to costs.

Ratneshwar
J.M.


A.M.

Asthana/
30.4.02