

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1481 OF 1998

ALLAHABAD, THIS THE 22nd DAY OF OCTOBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON'BLE MR. D. R. TIWARI, MEMBER (A)

Binay Kumar son of Narayan Prasad,  
Railway Quarter No.793, A.B. New Central Colony,  
Mughalsarai, District-Chandauli U.P.

.....Applicant

(By Advocate : Shri S.K. Mishra)

V E R S U S

1. Union of India through the General Manager,  
Eastern Railway, Fairlee Palace, 17 Netaji  
Subhas Road, Calcutta-1.
2. The Divisional Railway Manager,  
Eastern Railway, Mughalsarai,  
District-Chandauli, U.P.
3. Shri A.K. Gupta, Head Clerk under Sr.D.S.T.E.,  
Eastern Railway, Mughalsarai, Chandauli,U.P.

.....Respondents

(By Advocate : Shri K.P. Singh)

O R D E R

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. filed under section 19 of Administrative  
Tribunals Act, 1985, the applicant has challenged the panel  
dated 24.02.1998 by which result for selection of head clerk  
has been declared and applicant has not been selected.



.....2/-

2. The facts of the case are that applicant joined as clerk Gr.-2 in Signal & Telecom Branch, at Mughalsarai. He was promoted subsequently as Clerk Gr.I and he was due for next promotion as Head Clerk. By notification dated 06.01.98 applicant and others were required to appear in suitability test for the post of Head Clerk. The applicant appeared in the written test. However, he could not succeed and the result was declared on 24.02.1998 in which one Shri A.K. Gupta has been selected. Aggrieved by which, applicant has filed this O.A.

3. The contention on behalf of the applicant raised by <sup>his</sup> counsel is, that applicant is illegally held to be unsuitable in written test. It is also submitted that for a non-selection post holding <sup>a</sup> ~~an~~ written test was not necessary and the selection should have been made on the basis of seniority-cum-suitability. However, the submission of the counsel for the applicant does not appears to be correct. It is not disputed that applicant appeared in written test, which was held for determining the suitability and if applicant has not <sup>a</sup> ~~been~~ <sup>found</sup> suitable in the written test, then he could not claim himself <sup>a</sup> ~~aggrieved~~ and can not allege <sup>a</sup> ~~that~~ <sup>that</sup> there <sup>a</sup> ~~is~~ <sup>is</sup> any discrimination or arbitrariness. Thus, the O.A. has no merit and is dismissed accordingly. No order as to costs.

*Shukla*  
Member (A)

*[Signature]*  
Vice-Chairman