

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration T.A.No. 995 of 1987

G.Chatterji

.....

Applicant

Vs.

Union of India & Others

.....

Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

By means of this transferred application the applicant had prayed to issue a writ of mandamus directing the respondents not to proceed with further selection process for the post of Assistant Engineer(Civil), and they may be further directed to cancell the entire process of selection and restraining the respondents from proceeding <sup>to</sup> complete selection on the basis of 1 : 6 ratio, and they may also be restrained from declaring result. The application for interim relief was rejected as such it appears that by lapse of time the application has become infructuous and the result must have been declared.

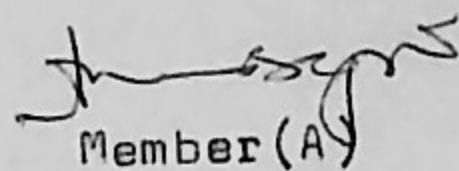
2. The applicant who was a Railway employee was also within the zone of consideration for promotion from the post of D.O.S. to the post of Assistant Engineer. A professional ability (Written Test) was conducted by the Railways for the post of Assistant Engineer(Civil) in the year 1981 for total 80 vacancies which occurred during the year 1980 and 1981. According to the applicant the vacancies for these two years were clubbed together and the candidates ~~were~~ called for the professional ability test by the Railways were 6 times the number of vacancies, as such 480 candidates as per seniority were called for written test including the applicant.

3. The grievance of the applicant is that there were clubbing in the vacancies for two years and which was an arbitrary act.

A meeting of Chief Personnel Officers, Northern Railway was called and the policy decision was taken in the light of letter of circular dated 9.4.1981 and it was decided that for one vacancy three candidates should be called, and this policy decision was to be implemented. The applicant also made a representation, but the representation appears to have no heed in as much as the vacancies of the two years were clubbed, and three times candidates were called for vacancies. There were 80 vacancies for which 240 candidates should be considered, with the result the seniors were asked to compete with the juniors. No integrated seniority of candidates coming from various streams of services have been finally prepared, and as such 'pick and choose' policy was adopted, and the guidelines for conducting the examination was also not followed. The qualifying marks was fixed at 60% in both the papers separately.

4. The respondents have resisted the claim of the applicant and have stated that the decision taken at the meeting of the Chief Personnel Officers was not a letter of the Railway Board and it has no legal force. The panel has been formed in the office of the Chief Personnel Officer but has not been sent for the General Manager's approval and the same was not declared. It has been stated by the respondents that clubbing together of the vacancies of different years will not jeopardise the chances of the applicant if he is competent and qualifies in the test. The instructions contained in Railway Board's letter dated 28.8.70 are applicable to selection of non-gazetted posts only. Here in the instant case each papers were to be valued separately. It was within the choice of Railway Authority to decide or to fix the qualifying marks and the applicant cannot have any say in the matter. The selection was in respect of two years. So far as for the year 1981 all the candidates who were eligible for the year 1981 were not eligible for the year 1980, though the eligible candidates for the year 1980

were eligible for the year 1981 even if selection has taken place. But in order to declare the result this aspect cannot be wiped out. Accordingly in case a decision has been taken for the Vacancies of the year 1980 and even the examination for the vacancies of two years has taken place, the vacancies of the year 1980 should be filled from among the candidates who are eligible for the year 1980 only. So far as the vacancies of the year 1981 is concerned the same should be filled from among the suitable candidates of the year 1981 and 1980. Thus the application is allowed to the extent, but in respect of other relief the application is dismissed.



Member (A)



Vice-Chairman.

24th February, 1992, Alld.

(sph)