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THE CENTRAL ADMINISTRATIVE TRIBUNAL- ALLAHABAD BENCH- ALLAHABAD.

O.A. NO. 1053 of 1987.

Kaushal Kumar Singh..... Applicant.

Versus

General Manager, Northern Railway, Baroda House,
New Delhi. & another. Respondents.

Hon'ble Mr. Justice U.C. Srivastava- V.C.
Hon'ble Mr. K. Dhayya -A.M.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.)

As the applicant's name was not included in the panel in the higher post, he has approached the Tribunal praying that the respondents be directed ^{not} to give effect the panel dated 14.10.87 and promotion order dated 13.10.87 and that they should not interfere ^{with} the functioning of the applicant as Laboratory Superintendent till the pendency of the present application.

2. The applicant started his service as metallurgical Assistant and it appears that he has earned various certificates of recommendation and it appears that he was also given a charge of the office of Laboratory Superintendent on which he was working may be because he was M.Sc. and was otherwise qualified. The said post is the selection post. The selection for the same was notified and 27 candidates including the applicants were called for the same. The applicant appeared and qualified in the written test ~~that is~~ why he was called in the interview. But in the interview he was not selected while other juniors were selected and the reason for the same appears to be that against 60 marks the applicant secured 58 marks and according to the applicant he has secured 60% marks in the written examination and that is why he was called for interview which was a condition for the same. From the own document of the respondent, which has been filed by the applicant as Annexure -I to the application. It is apparent that the applicant was qualified in the written examination and that is why he has called for interview. Though according to the respondents, it is because of the seniority marks, the applicant could qualify in the written

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examination and he secured 60 marks and that is why he was sent for interview. In case the applicant secured 60 marks in the aggregated ^{would} obviously he have been selected, but only 58 marks were awarded ~~been~~ 60 marks and it is only border line case and thus the applicant cannot be empanelled unless there is also a charge against the selection committee. Further in view of the fact that the applicant was called for interview which could have been done and there is no material on record from which it could be said that he did not secure 60% marks. Because of the seniority marks added to it is a matter which requires reconsideration and accordingly the respondents are directed to look into the record. In case the applicant secured 60 marks as has been asserted by him, he becomes entitled for empanelment and promotion. Let this matter be considered within a period of three months and in case the applicant secured 60 marks in the written examination, he may be empanelled and given promotion w.e.f. due date, but in case he secured less than /60% marks, obviously the application shall stand dismissed. If the applicant is working on adhoc basis, it is for the respondents to allow him to continue on the basis of regularisation, but the same may not be ~~subject~~ subject matter of this application. No observation in this behalf can be made. No order as to the costs.

Member (A)
Dt: Oct 13, 1992.
(DPS)

Vice Chairman.