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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

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O.A. No. 626 of 1988

D.D. Yadava Applicant.

Versus

Union of India and others Respondents.

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Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. K. Obayya, A.M.)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant Sri D.D. Yadava has prayed for quashing the order dated 3.2.1983 (Annexure-3) and for recasting the panel of Welfare Inspector Gr.III duly promoting him to that post w.e.f. April, 1976, by removing the name in 1976.

2. The applicant was appointed as 'Typist' in N.E. Railway, Gorakhpur in 1964. He appeared for the selection to the post of Assistant Welfare Inspector held in 1976. The contention of the applicant is that his performance at the written test and Viva-voce was good and he deserved to be included in the panel of selected candidates, but the panel did not contain his name. It is alleged by the applicant, that the selection board adopted the criteria of 'Seniority' for selection and not 'Merit' as laid down in the rules; The selection being violative of rules is liable to be recast on the basis of merit. The applicant represented to the authorities in 1987 and by impugned order dated 3.2.1987, he was informed that his request for including his name in the panel of 1976 can not

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be considered under the rules.

3. The respondents have filed a written reply in which it stated that the selections were held in accordance with the rules and that the panel was prepared in 1976 and the successful candidates were also promoted. According to the rules, the life of panel is for two years or till it is exhausted whichever is earlier, and in this case, since the promotions were made, the panel was exhausted and there was no panel in operation to be recast. It is also stated that the basis of promotion of panel is inter-se-seniority of successful candidates securing 60% and above marks in the qualifying test.

4. We have heard the counsel of the parties and perused the record. The record of selection discloses that there were 11 vacancies of Welfare Inspector Gr. III in the general category for which selections were made in 1976. The eligible candidates from different departments appeared for the selection. 24 candidates in all qualified in the selection having secured more than 60% marks. Even if we go by the contention of the applicant, that merit should be the criteria for selection, and that the panel should be drawn on the basis of aggregate marks secured by the candidates and not on seniority, it is noticed that the applicant will not make the selection. He has secured a total of 201 marks. There are 15 candidates who have secured more than 201 marks, the highest being, 228, secured by Phool Chandra Gupta followed by 14 others, who have secured marks between 223 to 204. The applicant would be 16th in the merit list of 24 candidates; The vacancies to be filled up

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were 11, and the applicant has no case for inclusion in the list, by-passing the other 5 meritorious candidates. The contention that the applicant is entitled for inclusion in the panel, on merit is misconceived. In these circumstances, we hold that the applicant was not entitled for inclusion in the panel of Welfare Inspector Gr. III formed in 1976. The application has no merit and accordingly it is dismissed with costs on the parties.

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Member (A)

Dr. G. S. S. 25.3.91
Member (J)

Dated : 25th. March, 1991

Allahabad

(n.u.)