

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 13TH DAY OF NOVEMBER, 2000

Original Application no.1697 of 1992

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

P.E.Sankhwar, S/o Shri Ayodhya Prasad  
R/o H.No.388, Manoharganj,  
Barra-2, Kanpur.

... Applicant

(By Adv: Shri K.S.Saxena)

Versus

1. The Union of India through  
The General manager, Northern railway  
Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Allahabad.
3. The Senior Divisional Operating  
Superintendent, Northern Railway  
Northern Railway, DRM Office,  
Allahabad.
4. The Divisional Personnel Officer  
Northern Railway,  
DRM Office, Allahabad.

... Respondents

(By Adv: Shri A.V.Srivastava)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of the A.T.Act 1985 applicant has questioned the legality of the selection for the post of Passenger Guard prepared on 8.9.1992. The applicant though was considered for promotion but he was not selected.

Shri K.S.Saxena, learned counsel for the applicant has submitted that the process of selection was incorrect and illegal. In short, the submission is that it was a non selection post and seniority cum suitability should have been the criterion but seniority has not been given its due role and only on the basis of viva-voce test applicant was found not fit for promotion.

Shri A.V.Srivastava on the other hand, has placed before us the seniority list and submitted that the consideration was strictly according to seniority and the rejection was only on the ground of unsuitability. It is not correct to say that the seniority was not given its due consideration. We have considered the rival contentions of the parties. However, we do not find any good ground for interference at this stage. The applicant has already retired from service. From seniority list it appears that he was at serial number 128. The names placed for consideration were strictly in accordance with the seniority. They were interviewed and after interview suitable persons were selected. In the circumstances, it is difficult to accept that seniority was not given its due consideration. This process of selection was applicable to all the candidates who appeared. It also does not appear to be a case of discrimination. We do not find any merit in the application. The application is accordingly rejected. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 13.11.2000

Uv/