

CENTRAL ADMINISTRATIVE TRIBUNALALLAHABAD BENCHALLAHABAD

Allahabad this the 20th day of July 2000.

Original Application No. 960 of 1992

CORAM:- Hon'ble Mr. Rafiq Uddin, Member (J).
Hon'ble Mr. M. P. Singh, Member (A).

Raja Ram Yadav, S/o Sri R.A. Yadav,
working as T.T.E, Northern Railway,
Kanpur (Central)

.....Applicant.

Counsel for the applicant:- Sri Anand Kumar, Advocate.

VERSUS

1. Union of India ,
through General Manager, Northern Railway,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway, Allahabad.

3. Sr. Divisional Personal Officer,
Northern Railway, Allahabad.

.....Respondents.

Counsel for the respondents:- Sri Prashant Mathur, Adv.

ORDER (Open Court)

(By Hon'ble Mr. Rafiq Uddin, Member-J)

The applicant has been working as Travelling
Ticket Examiner (T.T.E.) ^{for} ~~since~~ more than 10 years. The
applicant was placed at Sl. No.18 of the seniority list
of T.T.E. grade 1200-2040 (R.P.S.) issued by Divisional
Railway Manager, Northern Railway, Allahabad (respondent
no.2). (seniority list dt. 02.01.1991 has been annexed
as Annexure A-2 ^{to} in the present O.A.) However, the name

of the applicant

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of the applicant in the panel dt. 29.11.1991 prepared by the respondents for promotion to the post of H.T.T.E. has not been included. By means of this application he has challenged the genuineness of the panel.

2. It appears that the respondent No. 3, Sr. Divisional Personal Officer, N. R. Allahabad, held the departmental selection for the post of Head Ticket Collector/H.T.T.E./Conductor in the pay scale of 1400-2300 in which 250 candidates were found legible candidates. The applicant, whose name was placed at serial No. 12 in the seniority list of legible candidates, had also participated in the written examination which was held on 30.03.1991 and 24.07.1991. Result of written examination was declared on 30.08.91 but the name of the applicant was not included in the list of successful candidates. The grievance of the applicant is that he was the Senior Most Candidates and he had answered all the questions in the written examination but due to favouritism his name was not found in the list of successful candidate.

3. The grounds on which the selection has been challenged are that the D.P.C. was not constituted of the Competent Officers as per paras 217 and 218 of I.R.E.M. Vol-I (Ed.1989) He has also alleged that the same juniors to the applicants have been placed in the panel whose performance and service records are not good as that of the applicant and their promotion have been made due to ulterior-motive and favouritism.

4. The respondents have denied the allegations made by the applicant. It has been stated by the respondents that the post of H.T.C./H.T.T.E./Conductor is a selection post and is filled by the positive act of selection. The name of the

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candidates who qualified in the written examination for selection were called for viva-voce test. Since the applicant could not get through written examination, he was not called for viva-voce test. The seniority of the applicant is therefore, not material for selection post.

5. It is evident from the pleadings of the applicant that he has made allegations against the D.P.C. of favouritism and discrimination without any proof. We also find force in the pleadings of the respondents that the post in question being selection post, the question of seniority is not relevant. Since the applicant did not qualify in the written test his name was not rightly included in the list of successful candidates for viva-voce test. The O.A. is devoid of any merit and the same is dismissed.

6. No order as to costs.

W.M.
A.M.

Defended
J.M.

/Anand/