

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

D.A. NO.: 126 of 1992  
~~REMARKS:~~

DATE OF DECISION: 27/3/95

P. N. Pandey - - - - - PETITIONER(S)

Shri B. P. Srivastava - - - - - ADVOCATE FOR THE  
PETITIONER

V E R S U S

Union of India & ORS - - - - - RESPONDENT (S)

Shri A. K. Gaur - - - - - ADVOCATE OF THE  
RESPONDENTS

COURT

The Hon'ble Mr. Justice B. C. Saksena, V.C.

The Hon'ble Mr. S. Das Gupta, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether to be circulated to all other Bench ?

Reck

SIGNATURE

56/ISH/

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE .. 27.3. DAY OF MARCH 1995

Original Application No. 126 of 1995

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER(A)

Shri P.N. Pandey, aged about 55 years  
resident of BP 489 Subhas Nagar,  
Mughalsarai (at present posted as  
Chief Inspector Tickets, Eastern  
Railway, Mughalsarai.

.... Applicant

BY SHRI B.P. SRIVASTAVA ADVOCATE

Versus

1. Union of India, through the General Manager, Eastern Railway, Calcutta
2. Railway Board, through its Chairman New Delhi.
3. Chief Personnel Officer, Eastern Railway, Fairlee Place, Calcutta.

.... Respondents

BY SHRI A.K. GAUR ADVOCATE

OR D E R (Reserved)

JUSTICE B.C. SAKSENA, V.C.

Through this O.A, the applicant who was posted as  
Chief Inspector (Tickets) Eastern Railway, Mughalsarai has  
prayed for the following reliefs:-

(a) that in the panel of Asstt. Commercial  
Officer, formed on 5.1.89, the petitioner's  
name may be included and that the petitioner  
be also appointed as Asstt. Commercial Officer  
by virtue of his having obtained 60% marks  
in the aggregate.

2. The facts in short, are that the applicant had appeared

in the selection for the post of Asstt. Commercial Officer which was held on 16/17th April 1988. The result of the written test was declared on 7.9.88. The said selection was held for filling up 5 posts by general candidate, one post by Scheduled caste candidate and one post by scheduled tribe candidate. It is said that in the said selection two general candidates, one scheduled caste candidate and one scheduled tribe candidate were declared successful and three posts of general candidates remained unfilled.

3. Admittedly, the applicant's name was not shown amongst the lists of candidates successful at the written test. The applicant alleges that he was given to understand that he had obtained 60% marks <sup>the aggregate in</sup> in two papers. Copy of the notification for the Limited Departmental Competitive Examination for filling 25% vacancies in Group 'B' (Class II) in Commercial Branch in 1987 has been annexed as Annexure 1. It shows that the written examination was to consist of four papers.

Paper-I General Knowledge/English - 50 marks

Paper-II(a) Professional Subject - 100 "

Paper-II (b) Professional Subject - 100

Paper-III General Financial and  
Establishment Rules and  
Procedure - 50

The applicant's allegation is that in Paper No. II that is to say (a) and (b) he had obtained aggregate marks of 60%.

4. The respondents have filed their counter affidavit and therein the allegation that the applicant ~~had~~ obtained 60% marks in the aggregate had been denied. It has been

indicated that the applicant did not fair well at the written examination and was not successful. A detailed written statement has also been filed as also a supplementary reply. In the supplementary reply, it has been indicated that the written examination was to consist four subjects/papers. Professional-I, Professional-II, General Knowledge Finance and Establishment and in Professional I and professional II the minimum qualifying marks were prescribed as 60 marks in each paper out of 100. It has also been indicated that there was no clubbing together of the marks obtained in different papers. It has further been indicated that the applicant appeared at the ~~Second~~ selection held on ~~000000~~ 24.3.91 and therein also he had not qualified.

5. The applicant had filed O.A. 114/92 challenging his non selection at the subsequent selection held in the year <sup>on the</sup> 1991. ~~All~~ statements made by the learned counsel for the applicant in that case, the O.A. has been dismissed as having become infructuous.

6. In the present case, no statutory basis for the claim that the aggregate of the marks obtained in professional-I and professional II papers as the qualifying marks, has been shown.

7. In view of the discussion hereinabove, there is no merit in the O.A. and <sup>it</sup> is accordingly dismissed. No orders as to costs. *l.e.*

( S. DAS GUPTA )  
MEMBER(A)

( B.C. SAKSENA )  
VICE CHAIRMAN

Dated: 27<sup>th</sup> March, 1995

Uv/