

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1766 of 1993

Allahabad this the 12th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon.ble Maj.Gen.K.K. Srivastava, Member (A)

1. Smt.Indu Pandey W/o A.N.P. Pandey,
2. Sri A.N. Pandey W/o Sri R.K. Pandey.

All R/o Indian Institute Colony, Moghal-sarai, District Varanasi.

Applicants

By Advocate Shri S.K. Dey

Versus

1. Union of India through the General Manager, E. Rly. Calcutta-1.
2. The Chief Personnel Officer, E.Rly.Calcutta-1.
3. Amrendra Kumar S/o , Primary Teacher Inter College, E.Rly., Moghalsarai, District Varanasi.

Respondents

By Advocate Shri D.C. Saxena

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicants are teachers in Eastern Railway Schools. The applicant no.1 and 2 were found eligible to be considered for promotion to the post of trained graduate teachers as per annexure A-3 dated 19.4.1993. Shri A.N. Pandey

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applicant no.2 was found eligible to be considered for promotion as trained graduate teacher in non-language group as well as in Commerce group. In both these categories, he has been placed at serial no.1. The other applicant-Smt.Indu Pandey was held eligible to be considered in non-language group only. As per selection list dated 22.6.1993, copy of which has been annexed as annexure A-4, Shri A.N. Pandey-applicant no.2 was found suitable for selection to the post in question and Smt.Indu Pandey does not find her name amongst the selected candidates. Now the case of the applicants is that Shri A.N. Pandey-applicant no.2 ought to have been considered in Commerce group only and not in language group and in that way the position would have been changed to the extent that Shri Pandey would have been remained at serial no.1 in Commerce group and Smt.Indu Pandey-applicant no.1 would have been come at serial no.1 in non-language group and thereby both could have been selected. Here it would be relevant to mention that applicant no.1 is wife of applicant no.2.

2. The respondents have contested the case, filed counter-reply with the specific mention that all the candidates who were found eligible to be considered in respective groups,

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were mentioned in annexure A-3 and after due process of selection those who were found suitable were selected as per list annexure A-4. It has been vehemently controverted that seniority was the sole consideration, though it was one of the consideration.


3. Heard the counsel for the parties and perused the record.

4. The main grievance of the applicants is that applicant no.2 had applied in Commerce group only and has wrongly been considered in non-language group as well and thereby his selection in the non-language group is not only against his choice but also to the detriment to the right of his wife Smt. Indu Pandey ^{who} ~~she~~ could have come as seniormost in the list having better chances for selection.

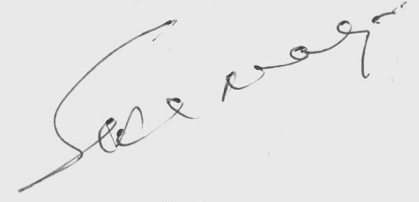
5. We find the arguments placed are more on sentimental ground and not on law and practice & rules in this regard. Learned counsel for the applicants failed to show any law or rule under which it is must for selecting-body to select the senior only, otherwise it will frustrate the whole ~~process~~ exercise for selection. In case Shri A.N. Pandey does not find convenient as selected trained graduate teacher in non-language group, he may decline the promotion ^{and intimate} to the competent authority in this regard, if so advised.

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6. For the above, we do not find any
merit in the O.A. which is **dismissed** accordingly.
No cost.



Member (A)



Member (J)

/M.M./