

Open Court

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 04th Day of August, 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 747/93.

1. Naubat Lal son of Nannu Lal,
Khalasi Helper posted at Tundla,
Loco Shed.
2. Mahboob Khan son of Noor Mohammad
Khalasi Helper Posted at Tundla,
Loco Shed.
3. Subhash Chandra son of Ghan Shyam Singh
Khalasi Helper Posted at Tundla Loco shed.
4. Yogendra Singh son of Ram Chandra
Khalasi Helper Posted at Tundla,
Loco Shed.

. . . Applicants.

Counsel for the applicants: Sri Ashok Mehta Adv. and
Sri K.N. Katiya, Adv.

Versus

1. Union of India through General Manager, Northern
Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Allahabad.
3. Senior Divisional Mechanical Engineer, Northern
Railway, Allahabad.
4. Sri R.K. Chitauria, Fitter, Gr.-II (C.& W.)
Harduaganj under Senior Section Engineer,
Northern Railway, Aligarh Jn.
5. Sri Jayant Kumar s/o Ram Roop Helper Khalasi, Now
Fitter Under Senior Section Engineer (C.&W.)
Northern Railway, Tundla Distt. Firozabad.
6. Sri Ram Autar Sharma s/o Bhajan Lal -Helper

Khalasi now Fitter Under Senior Section Engineer (C. & W.) Northern Railway, Tundla, Distt. Firozabad.

7. Sri Kunwar Pal Singh Fitter Gr.II Farrukhabad Under Section Engineer (C.&W.) N. Rly. Shikohabad.
8. Sri Ramesh Chandra Fitter Gr. II under Senior Section Engineer, N. Rly. Khurja, Distt. Buland-Shahar.

... Respondents.

Counsel for the Respondents: Sri A.K Gaur, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.)

This application has been filed for setting aside result dated 02.3.93 for selection of the post of Skilled Category in grade Rs.950-1500 against 25% vacancies to be filled by serving staff of Carriage and Wagon Department. Direction is sought to the respondents to promote the applicants to the post of Artisan Category. There is a prayer also that the respondents should be restrained from providing 15% marks for the interview. A direction is also sought to the respondents to accord proper marks in viva voce test/interview on the basis of experience and performance of the applicants in the selection with consequential benefits

2. The case of the applicants is that they were Helper Khalasis and applied for the post of Skilled Artisans against letter dated 11.3.90. They appeared in the written examination trade test and interview. They cleared written examination on 28.2.92 and in

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trade test on 22.9.92. They appeared at Viva Voce on 15.2.93 in which they failed. It is alleged that respondents No. 4 to 8 had no experience to trade but they were selected and promoted by giving them wrong marks arbitrarily and illegally.

3. Heard Sri K.N. Katiyar for the applicant and Sri A.N. Ambust Proxy counsel for Sri A.K. Gaur for the respondents and perused the record.

4. The learned counsel for the respondents has placed reliance on the final decision in O.A. 598/1994 dated 28.2.96 in Lucknow Bench of Central Administrative Tribunal. It has been decided in this O.A. that once the rules and guidelines have been laid down the authorities are bound to act in accordance with rules and guidelines.

5. We find that although malafides have been alleged in selecting candidates who were not qualified in the trades, no respondent has been impleaded by name or mentioned as having practiced malice against any of the applicant.

6. The case of the applicants appears to boil down to the question as to whether the applicants should have been given more marks in the Viva Voce than the respondents or not. This is a matter which falls within the competence of Selection Committee and mere general allegation of malice will not upset the selection made by the Selection Committee.

7.

We, therefore, find no merit in the

O.A. 747/93.

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O.A. and the same is dismissed.

There shall be no order as to costs.

D. A. Waddu
Member (J.)

S. J.
Member (A.)

Nafees.