

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 31.1.1995

Original Application No: 1778 of 1994

Ashok Kumar Singh, aged about 36 years, .
S/O Shri Rajendra Prasad Singh, R/O
Village Narhan, Distt. Samastipur. At present
posted as Permanent Way Inspector (Gr. I),
Eastern Rly. Mughalsarai

..... Applicant.

By Advocate Shri Faujdar Rai & Shri C.K.Rai

Versus

The Union of India & Ors.

..... Respondents.

By Advocate Shri ----

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C O R A M

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. K.Muthukumar, Member-A

O R D E R

By Hon'ble Mr. T.L.Verma, Member-J

The applicant, Permanent Way Inspector (Gr. I), Mughalsarai appeared at the Written Test held on 26.12.1993 and 16.1.1994 for promotion to the post of Assistant Engineer against 70% quota. He is stated to have qualified in the written test along with 5 other candidates and placed at Sl. No. 1. His name however, did not find place in the list of candidates finally selected. The non-selection of the applicant is alleged to be arbitrary and illegal. There is hardly any

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material on the record on the basis of which inference of arbitrariness on the part of the respondent in not selecting the applicant can be made. In the Supplementary Affidavit filed by the applicant, it is stated that the General Manager who bore grudge against the applicant, influenced the Chief Personnel Officer who was one of the members of the Selection Board. In support of this contention, he filed Annexure SA-1 and Annexure SA-2. It appears that a departmental proceeding was drawn against the applicant for a ~~xxxxxxx~~ major penalty. The Inquiry Officer exonerated the applicant of the charges framed against him. The General Manager, it is stated reviewed the order passed by the disciplinary authority and held him guilty and ordered stoppage of increment for 6 months by way of punishment. The learned counsel for the applicant states that suo-moto review of the order passed by the General Manager was a clear evidence of malafide on his part and since the Chief Personnel Officer and other members of the Selection Board ^{who} are directly under the General Manager, would naturally not act against the wishes of the General Manager. It was stated that the Chief Personnel Manager in course of the interview, tried to damage the image of the applicant frequently referring to departmental proceeding and punishment imposed by the General Manager.

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2. We have carefully considered the ~~xxx~~ submissions made by the learned counsel for the applicant and we find that the General Manager reviewed the order passed by the disciplinary authority ~~after the~~ inquiry against the applicant, in exercise of the power conferred upon ~~on~~ him under relevant rules. From the perusal of the order passed by the General Manager, no inference of malafide or arbitrariness can be inferred. In that view of the matter, we are unable to accept the contention of the learned counsel for the applicant that there is material to infer malafide on the part of the General Manager as may reflect adversely on the fairness of the selection. The facts on the record, therefore, do not make ~~xx~~ ~~any~~ out any ground for interfering with the selection made by the Selection Board duly constituted. Hence, this application is dismissed at the admission itself.


Member-A


Member-J

/jw/