

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.79 of 1999.

Allahabad this the 19th day of November 2003.

Hon'ble Mrs. Meera Chhibber, J.M.
Hon'ble Mr. D.R. Tiwari, A.M.

Subrati Mohammad
aged about 44 years
son of Shri Anwar Khan
Resident of 85 Schoolpura,
Gariaphatak, Prem Nagar,
Jhansi.

.....Applicant.

(By Advocate : R.K. Nigam)

Versus.

1. Union of India
through General Manager,
Central Railway, Mumbai CST.
2. Divisional Railway Manager,
Central Railway,
Jhansi.

....Respondents.

(By Advocate: G.P. Agarwal)

O R D E R

(By Hon'ble Mrs. Meera Chhibber, J.M.)

By this O.A., applicant has sought the following
relief(s):

- "(i) to issue a writ, order or direction in the
nature of Mandamus Commanding the respondents
to include the name of the petitioner in the
select list/panel for the post of Chargeman (TT)
grade Rs.5000-8000 (RSRP) with all consequential
benefits:

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ii) to issue any other suitable order in favour of the humble petitioner as deemed fit by this Hon'ble Tribunal in the facts and circumstances of the case.

iii) to award cost of the petition in favour of the humble petitioner.

2. It is submitted by applicant that he is posted as Technician (grade II) under SS (TM) Jhansi. Vide letter dated 15.06.1998 14 vacancies for departmental quota (L.D.C.E) for the post of Chargeman (TT) now designated as J.E (TT) were notified (Annexure A III). Since applicant was eligible, he appeared and was declared successful in written examination which is evident from letter dated 11.11.1998 (Annexure A-IV). His name figures at Sl.No.12. He was called for viva voce vide letter dated 23.11.1998 (Annexure A-V). Even though he performed very well yet in the final result his name was dropped and a panel of only 10 persons was declared.

3. It is submitted by applicant that his name was dropped only because he could not establish that he belongs to S.T. category even though he belongs to backward community and had never claimed to belong to S.T. category. He, thus, prayed that the O.A. may be allowed.

4. Respondents on the other hand have opposed this O.A. and have specifically stated that applicant's name was not included in the panel because he did not secure the marks required for selection, in which caste has no consideration at all. They have further submitted that since no S.T. candidate was eligible for viva voce test, the question of placing them on panel does not arise. The panel was declared for 10 persons only because 10 candidates were only found suitable for the post of J.E. grade II(TT). They have also submitted that in case the court desires, the selection proceedings shall be placed before Court for their perusal.

5. We have heard both the counsel and perused the pleadings as well. Applicant has submitted that his name was dropped as he could not produce the certificate of S.T. but there is nothing on record to substantiate this averment. It is only his imagination which cannot be accepted. In fact in the result declared after written test applicant is not shown as S.T. nor is he shown as S.T. candidate while calling him for viva voce test (page 19), therefore, applicant's imagination cannot be looked into. It goes without saying that if applicant had not got the qualifying marks (overall), he cannot claim promotion under L.O.C.E. quota as a matter of right. Applicant has not alleged any malafides against the selection committee, therefore, we have no reason to doubt the list prepared by selection committee. Simply because 14 vacancies were notified, it does not mean respondents must fill all the 14 vacancies irrespective of the fact whether suitable candidates are available or not. Respondents have categorically stated that applicant did not get the qualifying marks, therefore, we do not find any merit in the O.A. The O.A. is accordingly dismissed with no order as to costs.

Adarsh
Member-A.

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Member-J.

Manish/-