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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 337 of 2000

Allahabad this the 22nd day of February, 2001

Hon'ble Mr. V. Srikantan, Member (A)
Hon'ble Mr. S.K.I. Naqvi, Member (J)

Nirmal Kumar Srivastava, aged about 45 years, Son
of Shri Har Narayan Srivastava, resident of 99/1,
Haryana, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Mumbai CST.
2. Divisional Railway Manager, Central Railway, Jhansi.
3. Pradeep Kumar Khare, Diesel Mechanic Grade I Gwalior through Sr. Divisional Mechanical Engineer, DRMs Office, C.Rly. Jhansi.
4. S.K. Gahlot (SC) - Dsl. Mechanic Grade I Jhansi through Sr. Divisional Mechanical Engineer, DRMs Office, C. Rly. Jhansi.
5. Shanker Lal Pandey, Dsl. Mechanic Grade II Jhansi through Sr. Divisional Mechanical Engineer, DRMs Office, C. Rly. Jhansi.
6. Sachendra Kumar Nigam, Dsl. Mechanic Grade II Jhansi through Divisional Railway Manager, Jhansi.
7. Dinesh Kumar Sharma, Diesel Mechanic Grade II Jhansi through Divisional Railway Manager, Jhansi.

Respondents pg. 2/-

By Advocate Shri P. Mathur

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

The applicant has come up seeking relief to the effect that the order dated 16.3.00, copy of which has been annexed as annexure A-1, be quashed, which is the list of candidates who qualified for viva voce in selection for Junior Engineer Grade II in railway establishment. The other relief sought for may come up only when the applicant succeeds to substantiate this relief in Clause I. The main ground seeking this relief is that the applicant is highly qualified person but, has been held to have not qualified in the Written Test whereas those who have been held to have qualified in the Written Test, are not so qualified and intelligent as the applicant is.

2. The respondents have contested the case and filed counter-reply.

3. We feel that the applicant found himself on loose footing on grounds clause because learned counsel for the applicant has pressed only to refer the matter to the department concerned to decide the pending representation of the applicant.

4. On merit, we find that the personal assessment of a person that he is more qualified and intelligent than those who have been selected, cannot be given judicial seal and this ground fails not only legally but also on logical ground. Moreover, he has impugned the list of candidates who have been

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qualified in the written test and called for viva voce. Now, at present whole of the selection process has been completed, as mentioned by learned counsel for the respondents, and at this stage to interfere with this impugned order will unsettle ~~the~~ whole of the process, affecting those who have been finally selected and posted to the post for which this selection process was held.

5. For the above, we find no merit in the O.A. However, we part with the observation that in case applicant makes a fresh representation within 2 weeks, same may be decided by the competent authority in the respondents establishment within 6 weeks thereafter. The O.A. is disposed of accordingly. No order as to costs.

S. C. M. M.
Member (J)

V. V. V.
Member (A)

/M.M./