

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

ALLAHABAD this the 29th day of March, 2005.

ORIGINAL APPLICATION NO. 257 OF 2003

HON'BLE MR. JUSTICE S.R. SINGH, VICE-CHAIRMAN.
HON'BLE MR. S.C. CHAUBE, MEMBER- A.

1. Om PrakashSinha S/o Late R.P. Sinha
Senior Clerk in the office of
Dy. CCS (Claims), N. Rly. Varanasi.
2. V.P. Singh, S/o Late Awadesh Singh
Senior Welfare Inspector, N.C. Railway,
Allahabad.

.....APPLICANTS

Counsel for the applicants: - Sri Sudama Ram

V E R S U S

1. Union of India through Secretary,
Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Dy. Chief Personnel Officer (Hd.Dr.),
Northern Railway, Baroda House, New Delhi.
4. Sri Kushal Pal Singh (A.P.P/RPF/ALD) through
Senior DSC (RPF), DRM Office, Allahabad.
5. Sri Prakash Chandra Tripathi, CMI/Law
Assistant under Deputy CCM (Claims),
Northern Railway, Varanasi.
6. Sri Dinesh Singh Bisht, Law Assistant,
Railway Claims Tribunal, Chandigarh.
7. Sri Babu Lal Gahlot, Law Assistant,
Northern Railway, Bikaner.
8. Sri Gaya Prasad, Law Assistant under
Dy. GM(Law), Northern Railway,

109

Baroda House, New Delhi.

9. Sri Awadhesh Kumar, Law Assistant
under Deputy CCM(Claims), Varanasi.

10. Sri Lakhbir Singh, Law Assistant under
Dy. GM (Law), Northern Railway,
Baroda House, New Delhi.

..... RESPONDENTS

Counsel for the rerspondents: -Sri Amit Sthalekar

O R D E R

BY HON'BLE MR. JUSTICE S.R. SINGH, VC.

Stated briefly the facts giving rise to this OA are that the General Manager (P), Northern Railway, New Delhi issued notification dated 06.08.2001 for selection to the post of Law Assistant in the grade Rs. 6500-10,500. The notification was in respect of 4 posts for general category candidates, 3 posts for SC and 1 post for ST. The posts were required to be filled through departmental selection by calling applications from the serving employees in the grade lower than the grade Rs. 6500-10,500 having 5 years of regular service in Group 'C' as on 01.09.2001 and possessing a degree in law irrespective of department in which the eligible employees may be working. The applicants having requisite eligibility criteria, applied for the post meant for general category candidates. They appeared in the written examination followed by the interview but they could not be selected. This O.A seeks quashing of the panel-dated 24.09.2002 and for declaring the provision contained in para 2(ii) of para 219(g) of Indian Railway

(Signature)

Establishment Manual (IREM) Vol. I (1989th addition) as ultra virus.

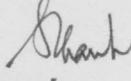
2. The thrust of submission made by the learned counsel for the applicant is that the panel ought to have been prepared in order of merit as held by Hon'ble Supreme Court in M. Ramjayram Vs. General Manager, South Central Railway & Ors. 1996 SCC(L&S) 892 and not on the basis of seniority. It is also submitted by the learned counsel for the applicant that no weightage ought to be given in preparing the panel for appointment to the post of Law Assistants.

3. By order dated 19.08.2004, Sri Amit Sthalekar, learned counsel for the respondents was directed to produce the record of selection proceeding containing the merit list of Law Assistants in the Grade Rs. 6500-10,500 with a view to enabling the Tribunal to examine whether the selection has been held on the basis of merit and whether any weightage has been given in preparing the panel for appointment to the post in question. Learned counsel for the respondents has produced the merit list today before us. On perusal of the merit list we find that the applicant Sri O.P. Sinha could secure 50.4 marks out of 100 and applicant Sri V.P. Singh could secure only 50 marks out of 100 whereas all the selected candidates belonging to general category have secured more than 60 marks. We have also find that no weightage has been given on account of seniority. On the other hand marks obtained in the written ^{and} examination, interview as well as the marks on the count of service record were the basis for selection for the post of

1009

Law Assistant in Grade Rs. 6500-10,500. Thus it is evident that the selection has been made on the basis of over all merit as visualized in para 219(g) of IREM and is well in accordance with law and ~~in view of~~ the judgment in M. Ramjayram (Supra). The very basis of submission made by Sri Sudama Ram, learned counsel for the applicant thus falls to the ground and accordingly the OA is liable to be dismissed.

3. In view of the above discussion the O.A fails and is dismissed with no order as to costs.


MEMBER- A.


VICE-CHAIRMAN.

/ANAND/