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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 509/90
~~2000/90~~

DATE OF DECISION 13.8.98

All India Railway Employees
Confederation & Anr.

Petitioner

Mr.R.R.Tripathy

Advocate for the Petitioner [s]

Versus

Union of India & Ors.

Respondent

Mr.N.S.Shevde

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.Radhakrishnan : Member (A)

The Hon'ble Mr. Laxman Jha : Member (J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

1. All India Railway Employees Confederation, through its Assistant Joint Secretary, Shri G.B.Mistry,
2. Mansingh K

(Advocate: Mr.R.R.Tripathy)

versus

1. Union of India, (Notice to be served through the General Manager, Western Railway, Churchgate, Bombay)
2. Divisional Railway Manager (Estt), Western Railway, Ajmer Division at Ajmer.

(Advocate: Mr.N.S.Shevde)

ORAL ORDER

O.A. 509/90

Date: 13.8.1998

Per: Hon'ble Mr.V.Radhakrishnan : Member (A)

Heard Mr.R.R.Tripathi and Mr.N.S.Shevde, learned counsels for the applicant and the respondents respectively.

The applicants two in number belonging to the

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All India Railway Employees Confederation have approached this Tribunal asking for the following reliefs:-

- "(1) To quash and set aside the impugned select list at Annexure A-4, as illegal, unconstitutional, null, void, without jurisdiction, and of no effect whatsoever.
- (2) To direct the Respondent- authorities to consider the case of the four persons whose names are mentioned in Annexure A-1, for selection for appointment to the post of skilled artisan and give them appointments.
- (3) To grant any other appropriate relief/s deemed just and proper by the Hon'ble Tribunal."

The grievance of the applicants is that they have been kept out of the list of appointment of Skilled Artisans. They say that they hold qualification of I.T.I. Certificate/Railway Apprenticeship. The applicants along with others applied to the respondents department for filling up the post of Skilled Artisans and they were called for written test. According to them they had been performed very well but after the publication of select list they came to know that they have not been selected. The second point they have taken is that for the purpose of viva-voce test $2\frac{1}{2}$ times the numbers of vacancies should have been taken into account and 28 persons should have been called for viva-voce test which was not done and hence the selection

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is vitiated. They have taken the contention that 8 of 11 selected persons do not possess either I.T.I. pass or Railway Apprenticeship qualification.

The respondents have contested the application. They have stated that the vacancies were notified for the departmental candidates. The main point in this case is that they have appeared in the written test and failed. Once they have failed, they cannot take the contention that as to how many persons should have been called for the viva-voce test which is immaterial, so far as the applicants are concerned. They have not mentioned anything about eight persons out of the selected as not having qualified for interview. However, we do not go into that question in this O.A. as the O.A. can be dealt with the ground that the applicants have appeared in the written examination and failed. The applicants cannot now go back and challenge the selection. Once they have taken the test without any objection and have failed in that test, they cannot raise any grievance for the procedure to be followed for viva-voce test. Accordingly, we find no merit in the O.A. and the same is disposed of. No costs.

LJha-
(Laxman Jha)
Member (J)

VRK
(V. Radhakrishnan)
Member (A)