

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.160 OF 2000
Cuttack, this the 28th day of November, 2003

Dillip Kumar Rout

Applicant

Vrs.

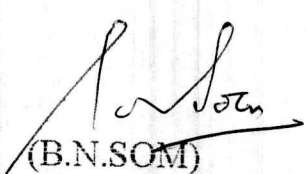
Union of India and others

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

B.
(BHARATI RAY)
MEMBER(JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
HON'BLE SMT.BHARATI RAY, MEMBER(J)

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Dillip Kumar Rout, son of late Harekrushna Rout, At-Quarter No.1/145/2,
Diesel Colony, Bandamunda, PS-Bandamunda, Rourkela, Dist.Sundargarh
..... Applicant

Advocates for applicant - M/s S.K.Nayak-I
V.Narasingh
S.K.Nayak

Vrs.

1. Union of India, represented through General Manager, S.E.Railway, Garden Reach, Calcutta 43, West Bengal.
2. Senior Divisional Personnel Officer, S.E.Railway, At/PO Chakradharpur, in the State of Bihar.
3. Kalidas Maharana, father's name not known, Designation W/Man, Gr.I, Elect.G, Chakradharpur, C/o Senior Divisional Personnel Officer, Chakradharpur, S.E.Railway, At/PO Chakradharpur, in the State of Bihar.
4. M.Ramana Rao, father's name not known, Designation-Technician Gr.II, TRS-B, NDM,C/o Sr.Divisional Personnel Officer, Chakradharpur, S.E.Railway, At/PO Chakradharpur, in the State of Bihar.
5. A.N.V.Rao, father's name not known, Designation S.P.A.Gr.II, Elect-G, ROU,c/o Sr.Divisional Personnel Officer, Chakradharpur, S.E.Railway, At/PO Chakradharpur, in the State of Bihar.
6. U.K.Sharma, father's name not known, Designation-Fitter Gr.II, Elect.G, TATA,C/o Sr.Divisional Personnel Officer, Chakradharpur, S.E.Railway, At/PO Chakradharpur, in the State of Bihar.
7. Shasibhusan Ram, Father's name not known, Designation W/Man, Gr.III, Elect.G, Chakradharpur, S.E.Railway, At/PO Chakradharpur, in the State of Bihar.

8. Asish Kumar Saha, father's name not known, Designation Tech.Gr.II, ELS-BNDM,C/o Sr.Divisional Personnel Officer, Chakradharpur, S.E.Railway, At/PO Chakradharpur, in the State of Bvihar.
9. Prasan Kumar Behera, father's name not known, Designation – Tech.Gr.III, TRS-BNDM,C/o Sr.Divisional Personnel Officer, Chakradharpur, S.E.Railway, At/PO Chakradharpur, in the State of Bihar.
10. B.V.S.J.D.Prasad, father's name not known, designation Input-Output Asst.E.D.P.M-CKP,C/o Sr.Divisional Personnel Officer, Chakradharpur, At/PO Chakradharpur, in the State of Bihar.
11. A.K.Pandey, father's name not known, Designation W/Man Gr.III< Elect.G-CKP,c/o CKP, C/o Sr.Divisioal Personnel Officer, Chakradharpur, S.E.Railway, At/PO Bihar, in the State of Bihar.....

Advocates for Respondents - Respondents.
M/s S.L.Patnaik Md.Arif & S.Nayak

(For Respondent No.1)

Mr.D.N.Mishra (for Respondent No.2)

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ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

This Original Application has been filed by Shri Dilip Kumar Rout seeking the following reliefs:

“a)- Declare the action of the Respondents in not promoting the applicant to the grade of Intermediate Apprentice Mechanic (Elect) as illegal.

b)- Direct the Respondents to promote the applicant to the said grade consequential benefit, if necessary by quashing the selection of the least meritorious amongst Respondent Nos.3 to 11.

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c)- Issue any other order/direction which would afford complete relief to the applicant."

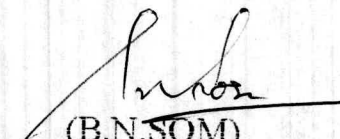
3. The facts of the case, in short, are that the Respondent-Railways took a departmental test for filling up 18 posts of Intermediate Apprentice Mechanic (Electrical) in the pay scale of Rs.5000-8000/- by promotion method. The written test for this purpose was held on 10.6.1999 followed by a viva voce. The applicant was successful in the written test which was notified in the office order dated 20.12.1999 (Annexure A/2) where the applicant's name was shown against serial No.6. It was stated in that notification that the list of successful candidates had not been prepared according to the seniority position of the candidates. Later on, by issuing another order dated 17.1.2000 (Annexure A/3) the list of successful candidates in the written test, who were called for viva voce, was re-circulated, where the name of the applicant was shown at Serial No.2. This circular did not say that the list of successful candidates had not been arranged according to their seniority position in service, giving an impression that the list published on 17.1.2000 was ^{not} based on inter se merit of the candidates in the written test. The viva voce test was held on 14.2.2000 and then the panel of the successful candidates was published on 13/14.3.2000, but the name of the applicant did not find place there, although the names of his juniors, such as Respondent Nos.3 to 11,

who were less meritorious, did find place in that list. The applicant had made representation to Respondent No.2 by meeting him personally. Respondent No.2 had assured him that he would look into the matter and would communicate the reason for non-inclusion of his name in the list, but no such communication was ever received by him. He, therefore, feels that he was not selected due to arbitrariness of the members of the Selection Committee.

4. These allegations of the applicant have been refuted by the Respondents by filing a counter. They have disclosed in the counter that in terms of the instruction in the matter the final panel of successful candidates for promotion to the post of Intermediate Apprentice Mechanic (Electrical) against 25% Limited Departmental Competitive Examination quota is drawn up in order of seniority from amongst those candidates who secure a minimum of 60% marks in Professional Ability and 60% marks in the aggregate in terms of Establishment Serial No. 266/99. But in this case, the applicant failed to obtain 60% in Professional Ability and also in the aggregate, and hence he could not be empanelled. In a nutshell, the reason for non-inclusion of the name of the applicant was on account of his failure to meet the standard set for selection and for no other reason.

5. We have heard the learned counsel for both the parties and have perused the records placed before us.
6. The Respondents have also placed before us the minutes of the Selection Committee which prepared the panel of candidates for appointment to the post of Intermediate Apprentice Mechanic (Electrical). From the minutes of the Selection Board, it is clear that the applicant had failed to meet the standard set for selection of candidates for appointment to the post of Intermediate Apprentice Mechanic (Electrical) and therefore, we see no merit in this Original Application, which is accordingly dismissed. No costs.


(BHARATI RAY)
MEMBER(JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

AN/PS