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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 387 OF 2000

Cuttack, this the 17th day of September, 2001

Partha Pratim Das

....Applicant

Vrs.

Union of India and others ...

Respondents

FOR INSTRUCTIONS



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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
17-9-2001

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CORAM;

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....

Partha Pratim Das, aged about 37 years, son of Tarapada Das, presently working as Section Engineer (Works) in the office of Deputy Chief Engineer (Construction) (D-II), S.E.Railway, Chandrasekharpur, Bhubaneswar

..... Applicant

Advocates for applicant - M/s P.K.Chand
D.Satpathy

Vrs.

1. Union of India, represented through General Manager, S.E.Railway, Garden Reach, Calcutta.
2. Principal Chief Engineer, S.E.Railway, Garden Reach, Calcutta.
3. Chief Personnel Officer, S.E.Railway, Garden Reach, Calcutta.
4. Chief Administrative Officer, S.E.Railway, Chandrasekharpur, Bhubaneswar

..... Respondents

Advocate for respondents - Mr.R.Ch.Rath

O R D E R
SOMNATH SOM, VICE-CHAIRMAN

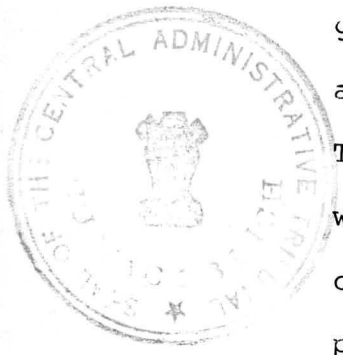
S. Som.

In this O.A. the petitioner, who is now working as Section Engineer (Works), has prayed for a direction to the respondents to publish the result of the written examination of the applicant for inclusion of his name in the panel of AEN Group-B.

2. For the purpose of considering the petition it is not necessary to go into too many facts of this case. The admitted position is that for filling

up the post of AEN against 30% quota through Limited Departmental Competitive Examination (hereinafter referred to as "LDCE") a notice was issued on 4.6.1999 (Annexure-1) calling for applications from eligible persons. It was mentioned in the notice itself that the written examination will consist of two papers with 150 marks each and qualifying marks in each paper will be 90. Paper-I was professional subject and general knowledge, and Paper-II was professional subject, establishment rules and financial rules. It is also the admitted position that besides these two written papers, 25 marks were for record of service and 25 for viva voce. It is also the admitted position that for the purpose of qualifying in a selection, a candidate has to get minimum 60% marks in each of the professional papers and 60% marks in the viva voce and record of service. The petitioner applied for the post and appeared at the written examination on 19.12.1999 in which 427 candidates appeared. Out of 427 candidates, only 10 persons qualified in the written examination and were called to the viva voce on 11.7.2000. The applicant has stated that he has performed in the written test to his extreme satisfaction and he has absolute hope that he must have secured much more than the minimum qualifying marks. The applicant has stated that he has come to know from reliable source that 38 candidates had qualified in the written test, but only 10 were called to the viva voce. He has further stated that altogether there were 20 vacancies against the 30% quota but only 10 candidates have been called to the viva voce. In the context of the above averments he has come up in this petition with the prayer referred to earlier.

J. J. J.



3. It is not necessary to refer to the averments made by the respondents in their counter and the applicant in his rejoinder. These will be referred to at the time of considering the grounds taken by the applicant in his O.A. in support of his prayer and the submissions made by Shri R.C.Rath, the learned panel counsel (Railways) for the respondents in course of hearing.

4. Shri P.K.Chand, the learned counsel for the petitioner and his associates are absent without any request for adjournment. In this case pleadings had been completed long ago. It is, therefore, not possible to drag on the matter indefinitely more so in the absence of any request for adjournment. We have, therefore, heard Shri R.C.Rath, the learned panel counsel (Railways) for the respondents and have perused the record.

5. From the above recital of pleadings it is clear that the only ground urged by the applicant is that he, according to him, has done well in the written examination and must have got more than 90 marks in both the papers. We are not prepared to accept this only on the bald assertion of the applicant. We note from the counter that out of 427 candidates who took the written examination only 10 persons qualified in the written examination. Five other ^{candidates} / who had taken the written examination against the same 30% quota of vacancies, had approached the Tribunal in OA No.294 of 2000 which was disposed of in order dated 20.4.2001. In that case, at our direction, the respondents had filed in a sealed cover the marks obtained by the different candidates



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including the five applicants in OA No.294 of 200 and we had verified and found that only 10 candidates had got qualifying marks in both the papers of the written examination. In view of this, we hold that the applicant has not been able to make out a case that he has got more than the minimum qualifying marks in the written examination. This contention is accordingly rejected.

6. The second contention of the petitioner that against 20 vacancies only 10 persons have been declared qualified in the written examination is of no importance because only those persons who have got qualifying or more than the qualifying marks in both the papers of the written examination can be called to the viva voce and therefore, calling of less than 20 candidates to the viva voce does not invalidate the selection process.

7. The third contention of the petitioner that he has reliably learnt that 38 persons have qualified in the written examination cannot be accepted because he has not indicated the basis of his above knowledge.

8. In view of all the above, we hold that the Application is without any merit and the same is rejected. No costs.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
17.9.2001
VICE-CHAIRMAN