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04.5.23/2000

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED 14-05-2004.

Heard Mr.D.P.Dhalsamant, Learned Counsel for the Applicant and Mr.Ashok Mohanty, Learned Senior Counsel appearing for the Respondents and perused the records.

Applicant (a Gr.'D' employee of the erstwhile South Eastern Railway, posted under the Superintendent of Division Store Depot, at Cuttack) being aggrieved by the empanelment order dated 10.7.2000 under Annexure-4 (for promotion from Gr.D to Gr.C as Jr.Clerk against 33 1/3% Departmental promotion quota) has filed this Original Application; with prayers (a) to quash the said empanelment order under Annexure-4 and (b) for a direction to the Respondents to empanel the applicant for the post of Gr.C.

Respondents, by filing their counter, have clarified that in order to become eligible to be empanelled, a Gr.D employee has to go through the written test and viva-voce test; for which they have to secure 50% marks in the written test and 50% marks in the viva voce. Apart from that, in aggregate one has to secure 50% marks as per the Rules. Since the Applicant did not secure 50% marks prescribed for viva voce test and also did not secure 50% marks in aggregate he was not empanelled for the post of Gr.C.

Applicant has also not contradicted the submissions made by the Respondents in their counter that the

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Applicant did not secure the prescribed percentage of marks of 50% by filing any contemporaneous documents. It is also seen that even though the applicant has challenged the order under Annexure-4, he has not made the persons to be affected in case this O.A. is allowed as parties.

In the said premises, we find no merit in this Original Application; which is accordingly dismissed by leaving the parties to bear their own costs.

Arora 14/5
VICE-CHAIRMAN

Chand 14-08-04
MEMBER (JUDL.)

Copy of order
may be sent to
the concerned
bodies

Arora 14/5

Arora
25.6.07.