

In the Central Administrative Tribunal  
Calcutta Bench

OA 14 of 1996

Present : Hon'ble Mr. S.N. Mallick, Vice-Chairman  
Hon'ble Mr. B.P. Singh, Administrative Member

Mahendra Prasad Sahu

... Applicant

- VS -

- 1) Union of India through the General Manager, Chittaranjan Locomotive Works, Chittaranjan - 731 331.
- 2) Chief Personnel Officer, Chittaranjan Locomotive Works, Chittaranjan.
- 3) Sri R.N. Singh, Asstt. Lecturer, C/o Principal Technical Training Centre, Chittaranjan Locomotive Works.
- 4) Shri K.S.A. Krishnan, Supdt., E.L.D.O. Chittaranjan Locomotive Works.

... Respondents

For the Applicant : Mr. R.K.C. Thakur, Counsel

For the Respondents: Mr. P.K. Arora, Counsel

Heard on : 7-9-99

Date of Judgement : 7-9-99

O R D E R

S.N. MALLICK, VC

When this O.A. is taken up for hearing it is submitted by Mr. Chakrabarti Thakur that private respondent No.3 R.N. Singh is dead. So, there is no question of sue <sup>right to be exercised upon the</sup> ~~by the~~ surviving legal representative of late R.N. Singh. Hence, name of the private respondent No.3 be deleted. In this O.A. the petitioner has prayed for the following reliefs :

- 1) The records of selection of the applicant and two private respondents, written test, viva voce and

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record of service may be called for to find out if principle of natural justice was fully observed and as consequence;


- ii) Promotion to the post of A.E.E. (Asstt.Engineer(Electrical) may be stayed until disposal of the application;
- iii) In case of any mistake in computing the marks of applicant and two private respondents or in case of any failure of natural justice, the applicant's name may be put above that of R.N. Singh in the final Select List".

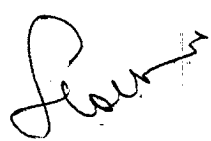
2. Mr. Arora, Ld. Counsel appears for the official respondents on whose behalf reply has been filed. Mr. Arora's main contention is that the applicant has not revealed any cause of action to approach this Tribunal. In this O.A. the petitioner has challenged the selection of Mr. R.N.Singh in the final Select List for the Assistant Engineer(Electrical) as per Annexure A-6 dated 26.12.95. His case is that his name should have appeared above the aforesaid R.N. Singh in the said final Select List. Mr. Arora also has drawn our attention to the averment made in sub-para f,g & h of paragraph 4 of the O.A. where it has been stated in sub-para 'g' of paragraph 4 that Mr. R.N. Singh was not called for viva voce test. But the petitioner's own document as annexed to the O.A. as per Annexure A-4 shows that the said R.N. Singh obtained qualifying marks for promotion to the post of Assistant Engineer(Elect.) on the basis of written examination.

3. Mr. Chakrabarti Thakur's grievance is that as per Annexure A-5 dated 13.11.95 the name of Mr. R.N. Singh did not appear and as such there was no reason for qualifying him to appear in the viva voce test. But it appears from the said annexure dated 13.11.95 that a copy of the said letter was also sent to Mr. R.N. Singh for appearing in the viva voce test.

4. Be that as it may the facts stand that after viva voce test the petitioner was not found to be qualified for being given promotion to the post of Assistant Engineer(Elect.). The recruitment rules for such post are annexed as per Annexure A-1 and paragraph 5.2 of the annexure provides for the qualifying marks to be obtained by the

candidate concerned in viva voce test and also on the basis of the record of service. Maximum marks allotted for viva voce and record of service are 25 each out of which the qualifying marks is 30 including at least 15 marks in record of service. It is a categorical case of the respondents that the said petitioner did not qualify and ultimately on the basis of the viva voce test his name was not included in the panel for promotion to the post of Assistant Engineer (Electrical) and the number of such post being three, we direct Mr. Arora to produce the departmental records including the selection procedure for the said post. Those confidential papers have been produced before us in a sealed cover which has been opened and placed before us and from the said document it appears that the petitioner qualified in the written examination etc., but did not obtain qualifying marks in viva voce test. So, we do not find any breach of rules in the matter of selection to the aforesaid post by way of promotion in respect of the petitioner. Accordingly, we do not find any merit in the application. Application stands disposed of. No order passed as to costs. Departmental record is returned to Mr. Arora.

  
( B.P. Singh )  
Member (A)

  
( S.N. Mallick )  
Vice-Chairman

DKN