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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

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Date of order : 19.9.2000.

O.A.NO. 78/95

1. Shri Deva Ram S/o Shri Moola Ram, aged about 42 years, R/o Near Railway Power House, Marwar Junction Distt. Pali (Raj), at present employed on the post of Gateman, Sirohi Road, Western Railway.
2. Shri Mahendra Singh S/o Shri Mulayam Singh, aged about 46 years, R/o Marwari Bar Manvar, Jr.W.R. at present employed on the post of Pointsman under Station Supdt. Marwar Junction, Western Railway.

.....Applicants.

VERSUS

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.

The Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.

Shri Umesh Kumar Prasadi, Jr.Clerk in the office of D.E.E.,(C), Ajmer, W.Rly.

Shri Bhanwar Lal, Jr.Clerk under C.H.I., Ajmer, Western Railway.

5. Kumari Sarika Jain, Jr.Clerk in the office of Personal Branch, Divisional Railway Office, Ajmer.
6. Shri Pratap Singh, Junior Clerk, D.R.M.Office, Ajmer, Western Railway.
7. Shri Ramchander Sukhdeo, Pointsman, under S.S.Marwar Junction.
8. Shri Ganpat Lal, Hot Weather Waterman, under S.S.Sirohi Road, W.Rly.
0. Shri Amrit Lal, Running Room Bearer under S.S.Sojat Road, W.Rly.
10. Sh.Karan Singh S/o Shri Lala Ram, Sealman under S.S.Ajmer, Western Railway.

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11. Shri Ram Prasad S/o Shri Chhote Lal, Khallasi under Section Controller, Ajmer, Western Railway.
12. Shri Babu Lal S/o Shri Vakta Ram, Khallasi under Station Supdt. Abu Road, W.Rly.
13. Shri Devi Shanker S/o Shri Nava, Platform Porter, under S.S.Banas W.Rly.

.....Respondents.

CORAM :

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr.J.K.Kaushik, Counsel for applicants.  
Mr.S.S.Vyas, Counsel for respondents 1 and 2.  
Mr.S.K.Malik, Counsel for respondents No. 5,7,8 and 13.  
Mr.D.K.Chouhan, Adv.Brief holder for  
Mr.D.K.Parihar, Counsel for respondent No. 12.  
None is present for the respondents No. 3,4,6,9,10 and 11.

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PER HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN :

This application is filed challenging the Notification dated 25.7.94 contending that the other persons could not be called for Viva Voce test and their names could not be placed on the panel prepared on 22.10.94, Annex.A/2. In support of the relief, the applicants have stated that at the relevant point of time applicant No. 1 was working as Gateman and applicant No. 2 was working as Junior Pointsman and they were eligible for being promoted to the Group-C post of Commercial Clerk, Ticket Collector etc. It is also stated that keeping in view the quota prescribed for direct recruits, applications were invited for filling-up the posts from the Group D employees vide letter dated

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31.3.92 and the applicants being eligible, submitted their applications. A written test was conducted and applicants were declared to have passed in the test. Thereafter, they also appeared in the Viva Voce test and after that, a panel is prepared and their names are not found in the panel. The case of the applicants is that some persons who are not eligible, are included in the panel. Therefore, the relief as prayed for in this application, may be granted.

2. By filing counter, the respondents have denied the case of the applicants. They have stated that applicants though passed the written test but could not pass the viva voce, therefore, they were not eligible to be placed in the panel and as such, there is no merit in this application and it is liable to be rejected.

3. The learned counsel for the applicants submits that certain persons who were not eligible, have been placed in the panel yet the applicants have been denied, therefore, they should have been promoted to the next cadre. The fact remains that applicants did not pass Viva Voce for the purpose of their promotion. If that is so, there is no locus standi for the applicants to challenge the selection of the private respondents. The fact that applicants failed in the Viva Voce is not in dispute, therefore, they were not eligible for being promoted to the next cadre. In this view of the matter, we do not find any illegality in the impugned proceedings of the respondents. Accordingly, we pass the order as under :

4. The Original Application is dismissed. The parties are, left to bear their own costs.

(GOPAL SINGH)  
Adm. Member

(B.S. RAIKOTE)  
Vice Chairman

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Recd Copy  
Dated 26/12/91

Received  
bloom  
26/12/2000

AL Copy  
mally  
Appr

Copy order dated 18/12 sent to Resp  
No 12 vide No 330 dt 18-12-2000

Part II and III destroyed  
in my presence on 10/11/02  
under the supervision of  
section officer ( ) as per  
order dated 10/11/02

Manoj  
Section officer (Records)