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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 31.7.2000

O.A. No. 297/1998

1. Srichand S/O Shri Hari Kishan Shukla aged 47 years presently posted at Shunter
2. Dilbag Singh S/O Shri Tara Singh aged about 47 years, presently posted at Shunter

Add : for Correspondence :
C/O Shri Srichand Shukla, near Railway Line,
Opp. Hanuman Temple, Subhashpura, Bikaner.

Official Add :
C/O Loco Foreman, Lalgarh, Northern Railway.

... Applicants

Vs

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
3. Divisional Mechanical Engineer (P), Northern Railway, Bikaner Division, Bikaner.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicants.

Mr. S.S. Vyas, Counsel for the Respondents.

CCRAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman
Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicants have prayed for quashing the impugned order dated 27.10.1998 (Annexure A/1) and other subsequent proceedings thereafter

Gopal Singh

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and for a direction to the respondents to proceed with the selection as per the procedure laid down by the Railway Board with all consequential benefits.

2. Applicants' case is that the respondents organized a selection to the post of Goods Driver in the scale of Rs.5000-8000 vide letter dated 21.5.98. Both the applicants being eligible appeared in the written test for the said selection, but failed and, therefore, they were not called for viva voce test as per Annexure A/1. The contention of the applicants is that the Selection Committee was consisting of the senior scale officers whereas the Selection Committee should have been of junior administrative grade officers. It is also contended by the applicants that the evaluation of answer books were done by an officer who was not competent to do it. Feeling aggrieved, applicants have filed this application.

3. In the counter, it has been stated by the respondents that the Selection Committee was properly constituted and that the evaluation of answer books were correctly done by the officers.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. The contention of the applicants is that the Selection Committee should have been of junior administrative officers, whereas the Selection Committee was consisting of only senior scale officers. To counter this argument, the learned Counsel for the respondents has referred to P.S. No. 11550 and 11862. It is seen from these printed slip bearing No. 11550 that for selection post in the scale of pay of

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Rs.6000-8000 and above, the Selection Board will consist of officers of junior administrative grade. PS 11862/99 dated 21.10.1999 consolidates the selection procedure for non-gazetted selection, wherein it is mentioned that for selection of non gazetted post in the grade 5000-8000 and above, the Selection Board will consist of junior administrative grade officers. In a subsequent letter dated 07.2.2000 from the General Manager Northern Railway, it was clarified that the grade of Rs. 5000-8000 was wrongly mentioned in PS 11862/99 and, therefore, it was directed that it should be read as Rs.5500-9000. Thus, it is clear that selections to the non-gazetted post in the grade 5500-9000 and above, the Selection Board will be consisting of officers of junior administrative grade.

6. The present selection was notified on 21.5.1988, whereas PS No.11550 of 1999 was issued on 02.3.1998. In PS No. 11550, it was provided that for selection post in the scale of pay of Rs.6000-8000 and above, the Selection Board will consist of officers of junior administrative grade. The said selection was held after the issue of above printed slip No.11550 of 1999 and, therefore, the Selection Board of junior administrative officers was required to be constituted for selection in the scale of Rs.6000-8000 and above. The instant selection was in the grade of 5000-8000. Thus, in our opinion the constitution of the Selection Committee of the senior scale officers for the selection in the grade of Rs.5000-8000 was in accordance with the rules. Thus, the contention of the applicants is not tenable. Moreover, the applicants after having participated in the selection and having failed cannot be allowed to challenge the selection on this ground in terms of judgment in Dherendra Kumar vs UOI (1990) 12 ATC 625 (Del).

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Leopard

7. In the light of the above discussion, we do not find any merit in this application and the same deserves to be dismissed.

8. The Original Application is accordingly dismissed with no order as to costs.

Gopal Singh

(GOPAL SINGH)
Adm. Member

B.S. RAIKOTE
(B.S. RAIKOTE)
Vice Chairman

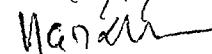
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Re P.D. No. 55
Part II and III
11/8/2000

R (Copy)
on 11/8/2000
S. S. S.

Part II and III destroyed
in my presence on 11/8/2000
under the supervision of
Section Officer (S) as per
order dated 10/11/2000


Section Officer (Record) 