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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of order : 9.2.2001

O.A.NO. 203/1999

Vishwanath S/o Shri Mohan aged about 49 years, By Caste Scheduled Caste R/o C/o Gauri Shanker, Behind Idgah, Merta Road, Dist. Nagaur (Raj), presently working on the post of Head Ticket Collector (H.T.C.), under Station Superintendent, Merta Road, Railway Station, Merta Road, District Nagaur (Rajasthan).

... Applicant-

Vs.



1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The divisional Railway Manager, Northern Railway, Jodhpur.
3. The Divisional Personnel Officer, Northern Railway, Jodhpur.
4. Shri Mohan Singh Gurjar C/o Divisional Chief Ticket Inspector, Northern Railway, Railway Station Jodhpur.

... Respondents-

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Present

Mr. S.K. Malik, Counsel for the applicant.
Mr. S.S. Vyas, Counsel for the respondents.

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CORAM :

HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER :

The applicant had filed this O.A. with the prayer that the impugned order dated 2.6.98, Annex.A/1 and the impugned order dated 7.7.99, Annex.A/2, be declared illegal and the respondents be directed to place the name of the applicant above the name of respondent No. 4 and below Shri Pukh Raj and the respondents be further directed to assign the seniority to the applicant according to the panel, with all consequential relief.

2. It is alleged by the applicant that the applicant appeared in the selection test conducted by the respondents for the post of Head Ticket Collector Grade Rs. 5000-8000. The name of the applicant was at Sl.No.3 in the seniority list of the eligible candidates. However, the name of the applicant has been shown at No. 9 of the select panel at Annex.A/1 and at No. 12 in the modified select panel, Annex.A/2. The applicant had secured more marks than Shri Mohan Singh Gurjar, in the said test and consequently, his name should figure above Shri Mohan Singh Gurjar and below Shri Pukh Raj.

3. In the reply to the said O.A., the respondents have stated that initially a panel of 10 persons was declared in which the name of the applicant was shown at No. 9 and thereafter, the panel was modified and three more persons were declared qualified in the selection test and their names were included in the modified panel. In that panel, the name of the applicant was shown at the stage according to the circulars in question

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It is further stated by the respondents that the applicant being a Scheduled Caste candidate, was declared successful in the selection test applying the relaxed standard in terms of the PS No. 8299 dated 18.5.83 and has been shown below all the general candidates, who were declared pass as per the general standard prescribed for the said post. Shri Mohan Singh Gurjar, was declared successful on the basis of securing marks as per the general standard. The respondents have stated that the placement of the applicant was in terms of PS No. 10647 and, therefore, the O.A. deserves to be dismissed.



4. In view of the controversy involved in the case, we had directed the respondents to place before us the Circular No. 10647 relied upon by the respondents. The respondents were further directed to place before us the result of the examination in question for our perusal.
5. We have heard the learned counsel for the parties and have gone through the Circular mentioned above and have also seen the result-sheet of the applicant.
6. The Circular No. 8299 dated 18.5.83 describes that the deficiency in respect of the candidates belonging to Scheduled Caste and Scheduled Tribe candidates as per the 40 point roster should be made good by including the reserved candidates who passed by

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applying relaxed standard. The Circular No.10647 mentions in clause No. 3.1 (ii) that the candidates who finds place in the panel on relaxed norms or under the best amongst failed policy should be placed below those who have qualified with the general standard.

7. It is said by the respondents that in view of these two circulars, the name of the applicant was included in the panel by relaxing the standard and consequently, was placed at the stage below all the general candidates. In order to verify this situation, we have also gone through the result-sheet. From the result-sheet, we find that Shri Mohan Singh Gurjar, had secured more than 60% marks in the qualifying examination i.e. written and viva voce. Likewise, Shri Pankaj Shukla, who was said to be wrongly placed in the panel had also secured more than 60% marks in the qualifying examination. Whereas, the applicant, who is a Scheduled Caste candidate, had secured less than 60% marks in the qualifying examination and has been declared pass on the basis of the relaxed standard. Likewise, one more person Shri Suraj Mal, Scheduled Caste candidate, was also declared pass on the basis of the relaxed standard. He has also secured less than 60% marks. Inter se, Shri Vishwanath and Shri Suraj Mal, Vishwanath had secured more marks than Shri Suraj Mal and, therefore, in the panel, Shri Suraj Mal has been placed as junior most candidate and the applicant has been placed above him. It is not made-out from the result-sheet that any other general candidate has been awarded a position in the panel otherwise than his own merits in terms of comparative marks.

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8. From the above facts and the circular, we find that the placement of the applicant in the panel below all the general candidates has been correctly done and consequently no interference is called-for in the impugned order sought to be quashed.

9. In our opinion, the O.A. bears no merit and deserves to be dismissed and is hereby dismissed with no orders as to cost.

(Gopal Singh)

(GOPAL SINGH)
Adm Member

AM
9/12/77
(A.K.MISRA)
Judl Member

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for the model
Record
Bhander
15/7/01

Part II and III destroyed
in my presence on 21-3-07
under the supervision of
section officer (R) : ~~after~~
order dated 19/2/07

R. C. C. R.
14.2.2007
Section Officer (Record)