

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.06/2011

Jodhpur, this the 11th April, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Bhanwer Lal Sharma S/o Tola Ram Sharma, aged 49 years, R/o village & post Depalsar via Ratangarh, Tehsil and District Churu, presently working as Shunting Master in the office of Station Superintendent, Sadulpur, (Northern Western Railway), Tehsil Rajgarh, District Churu.

.....**Applicant**

Mr. Arjun Purohit, counsel for applicant.

Vs.

1. Union of India through General Manager, (Personnel), Northern Western Railway, Jaipur.
2. Divisional Railway Manager, (Personnel), Northern Western Railway, Bikaner.
3. Station Superintendent, Sadulpur, (North Western Railway), Rajgarh, District Churu.

...**Respondents**

None for respondents.

ORDER (ORAL)

Per Justice K.C. Joshi, Member (J)

By way of this application, the applicant has sought the following relief (s):-

"It is therefore, most respectfully prayed that the Original Application filed by the applicant may kindly be allowed with cost, the order dated 15.07.2010 (Annexure-A/1) may kindly be quashed and set aside, and the respondents may kindly be directed to consider case of the applicant for promotion/selection to the post of Guard Goods, he may be called for Preliminary Course for promotion to the post of Guard Goods and accordingly he be given all the consequential as well as monetary benefits."

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2. The short facts to decide this application as averred by the applicant are that he belongs to general category and he was initially appointed on the post of Points Man under the respondent department in the year 1981. Subsequently, he was selected and promoted to the post of Shunting Master in the year 2008, vide order dated 18/19.11.2008. The applicant possesses the requisite qualification for selection for promotion to the post of Guard Goods, as per the notification dated 07.02.2008. This notification was issued by the respondent department for selection for the post of Guard Goods from various categories and in which Shunting master was also one of the categories. The applicant being eligible applied for selection for promotion to the post of Guard Goods in pursuance of the notification dated 07.02.2008. The applicant appeared in the written test and cleared the same vide result dated 13.01.2010; however in the provisional panel which was declared on 28.01.2010, in which name of the applicant was not there. Thereafter, the applicant submitted several representations to the competent authority but the respondents not respond to the same. Five posts of Guard Goods were to be filled up from the post of Shunting Master, the applicant is possessing the qualification for the same, and he has cleared the written test on 13.01.2010, but promotion has not been accorded to him without any reason. After submitting a representation to the respondent department, the applicant has filed this OA for the above reliefs.

3. By way of counter, the respondents denied the right of the applicant for promotion, and specifically averred that the candidates who secured less than 60% in professional ability and

60% in aggregate have not been considered eligible for inclusion in the panel, and it has also been averred that the service record of only those candidates, who secured a minimum of 60% marks in professional ability has been assessed. The final panel has been prepared on the basis of merit, and the applicant could not find place in the said panel list due to his less meritorious marks and record. Thus, by way of counter, the respondents prayed to reject the OA.

4. We have heard the learned counsel for the applicant and perused the record. Counsel for the applicant contended that applicant being eligible and cleared the written test could not find place in the panel list, though he is a meritorious persona, and he filed several representation which was not responded by the respondents department.

5. In view of the reply filed by the respondent department, the applicant could not make out his case for finding place in the panel for promotion on the post of Guard Goods because, it has neither been averred in the application that the other candidates, who are less meritorious than the applicant have found place in the panel and nor has it been averred that the panel has been prepared while favouring any person or on the whims of the respondent department. Also the fairness of examination has been challenged by the applicant, therefore, no case is made out for granting the relief as claimed for by the applicant and the representation submitted by the applicant was duly replied by the respondent department.

6. As the OA lacks in merit, therefore, the same is dismissed with no order as to costs.

Meenakshi
[Meenakshi Hooja]
Administrative Member

Justice
[Justice K.C. Joshi]
Judicial Member

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