

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA

O.A. 809 of 1997

Date of order: 10.1.06

Present : Hon'ble Mr. B.N. Som, Vice-Chairman.  
Hon'ble Mr. B.V. Rao, Judicial Member.

**Pinaki Das Majumdar**

- Versus -

1. Union of India,  
Service through the  
General Manager,  
Eastern Railway,  
Fairlie Place,  
Calcutta-700 001.
2. General Manager,  
Eastern Railway  
Fairlie Place,  
Calcutta-700 001.
3. Chief Personnel Officer,  
E. Railway,  
Fairlie Place,  
Calcutta-700 001.
4. Sr. Divisional Personnel Officer,  
E. Railway, Asansol.
5. Civil. Railway Manager,  
E. Railway, Asansol.

...Respondents.

For the applicant : Mr. S.K. Dutta, Counsel.

For the respondents : Mr. M.K. Bandyopadhyay, counsel.

ORDER

Per Mr. B.N. Som, Vice-Chairman.

Shri Pinaki Das Majumdar formerly working as Dy. Station Superintendent, Kumardubi Railway Station, has filed this O.A. praying for the following reliefs:-

9

"8.

(a) To direct the respondents to cancel, withdraw and/or rescind the impugned order dated 20.6.97, being Annexure-A/3 hereof;

(b) To direct the respondents not to give any promotion exceeding the Quota ear-marked for SC/ST candidates to the post of Station Manager/Cabin Master in the scale of Rs. 2000-3200/- (RP). If the quota is already exceeded, no further promotion should be given to the SC/ST candidates from the panel, prepared in terms of the order dated 20.6.97, being Annexure- A/3 hereof;

(c) To direct the respondents to consider the case of the applicant for appointment to the said post of Station Manager/Cabin Master since the applicant already qualified himself in the written test and viva voce test held in the year 1995;"

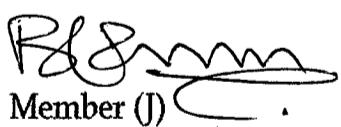
2. The case of the applicant is that by an order dated 22.3.1995, 37 posts of Station Manager/Cabin Master in the scale of Rs. 2000-3200/- were notified to be filled up. Accordingly the applicant had appeared in the written test and viva voce on 19.12.95. But due to some mistake made by the Railway administration in calculation of vacancies in respect of unreserved, SC/ST candidates, the applicant could not come within the number of vacancies and he was left behind in selection. Thereafter another selection test was held on 28.12.96 wherein the name of the applicant found place at Sl. No. 24 and his name was well within the number of vacancies which was declared to be 32. However, in the final panel the name of the applicant did not find place. He again appeared in the selection test for the year 1997 and that year also he was denied promotion in gross violation of the principles of natural justice.



3. The respondents by filing a detailed reply have disclosed that the applicant was duly called for written test but he could not come out successful in the viva voce test in the year 1994 as a result of which his name could not be included in the panel of successful candidates, for 1996 as he could not qualify in the written test. They have further disclosed that the record of service of the applicant was not unblemished from the year November 1970 ~~and~~ November 1990. They have, therefore, submitted that the grounds set out in the application are misconceived, misleading, motivated and not tenable in the eye of law.

4. We have heard ld. counsel for the rival parties and perused the records placed before us.

5. The applicant's sole ground is that although his name was in the zone of consideration for the year 1994, 1995 and 1996 but he was not selected for the post. The respondents, however, have disclosed that the applicant could not come out successful in merit and that was the only reason for his exclusion from the merit list. They have also submitted that his record of service was not laudatory. No rejoinder has been filed by the applicant to rebut any of the allegation. Having regard to these facts and circumstances of the case we see no merit in this O.A. which is accordingly dismissed being devoid of merit.

  
Member (J)

  
Vice-Chairman (A)