

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.O.A.953/1997

Date of order : 18.12.2003

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman  
Hon'ble Mr. N.D. Dayal, Administrative Member

PARTHA PRATIM BISWAS & ORS.

VS.

UNION OF INDIA & ORS.

For the applicants : Mr. R.K. De, counsel  
Ms. B. Banerjee, counsel

For the respondents : Ms. U. Sanyal, counsel  
Mr. S. Sen, counsel

ORDER

Per Justice B. Panigrahi, V.C.

The applicants are working as Khalasi Helpers(H) under Senior Section Engineer Electrical, S.E. Railway, Kharagpur. Some vacancies in the posts of Group 'C' were to be filled up by way of promotion from the Group 'D' employees. The applicants were asked to appear in the written test as well as in the viva-voce test for such promotions along with others but thereafter they were not given promotion though some other candidates were promoted to Group 'C' posts. The applicants have, therefore, filed this case questioning the legality, propriety and validity of the order passed by the Selection Committee.

2. Mr. R.K. De, 1d. counsel appearing for the applicants has submitted written arguments and has invited our attention that there was no fairness in the selection test conducted by the respondents. From his submission it has transpired that the written test as well as the viva-voce test were stage-managed only to accommodate some of the candidates of their choice.

3. To examine the validity of such contention we, therefore, asked Ms. Sanyal, senior standing counsel for the respondents to produce the entire documents relating to such selection. Pursuant to

such direction the relevant documents have been produced in course of hearing.

4. It is seen that there were 49 posts in Group 'C' category which were to be filled up by way of promotion from Group 'D' employees. Out of these 49 posts, 7 posts were reserved for SC candidates, 4 posts were reserved for ST candidates and the remaining 38 posts were to be filled up by General category candidates. The applicants in this case belong to SC category. To examine the contention raised by Mr. De we have verified the original records. We find that the total marks for the test had been allocated as 100. Out of 100 marks 60 marks were assigned to written test, 25 marks for viva-voce test and 15 marks for service records. The candidates were given separate marks for their individual performance in the written test, viva-voce test and service records. The applicant namely Prasanta Kr. Haldar (applicant No.2 in this O.A.) was found to have been empanelled against Srl. No.9 although 7 posts were to be filled up from SC category. Thus he could not be accommodated immediately after the selection. Other applicants could not perform remarkably well and, therefore, their names were not included in the list. It has been submitted from the bar that the life span of the said panel is already over. But at any rate in future if such occasion arises, it is open to the applicants to participate in the test and if they qualify, certainly their cases shall be considered by the authorities.

5. After examining the records we do not find any illegality or irregularity so as to question the propriety of the select list.

6. In the result, the application is dismissed. No order as to costs.

MEMBER(A)

VICE-CHAIRMAN

