

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 157/1997

Date of order: 13.02.2002

Present: Hon'ble Mr. B.P. Singh, Administrative Member.

Hon'ble Mr. M.L. Chauhan, Judicial Member.

Shri Rabindra Burman

- v e r s u s -

1. Union of India through the Secretary
Ministry of Railways, Rail Bhawan,
New Delhi-110 001.
2. The General Manager, Eastern Railway,
N.S. Road, Calcutta-700001.
3. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,
Calcutta-700 069.
4. The Divisional Mechanical Engineer,
Eastern Railway, Sealdah Division,
Calcutta-700 069.
5. The Senior Divisional Personnel
Officer, Eastern Railway, Sealdah,
Calcutta-700 009.
6. Pabitra Kumar Das, Carpenter Grade-II,
Ticket No. 476 working under the
Superintendent Carriage & Wagon,
Eastern Railway, Sealdah Division,
Calcutta-700 011.
7. Samar Kumar Mondal (S.P.M.) Grade-II
Chitpur Ticket No. 630 working under
Eastern Railway Superintendent Carriage
Wagon, Calcutta.
8. Ram Krishna Saha, Fitter Grade-II,
Ticket No. 316 working under Superintendent
Carriage & Wagon, Eastern Railway,
Chitpur, Calcutta.

...Respondents.

For the applicant : Mr. K. Sarkar, counsel.

For the respondents : Mr. R.K. De, counsel.

O R D E R

B.P. Singh, AM

Heard Id. counsel for both parties.

2. The fact of the case is that the applicant alongwith other candidates appeared as a departmental candidate for promotion to the post of ^{for} Trainee Examiner Grade-II in the scale of Rs.1400-2300/-. The written test was held on 2.11.96 and viva voce test was held on 21.1.97 and for absentees ^{on} 24.1.97. The applicant qualified in the departmental test and, therefore, was called to appear for the viva-voce test on the prescribed date. He appeared in the same. The grievance of the applicant is that the result of the selection was not declared and without declaring the same the respondent authorities issued order for training to the Principal, Kanchrapara Technical School intimating the names of the selected candidates which included the names of 7 candidates as per Annexure-A/4. Aggrieved with the non-declaration of the result the applicant has filed the present O.A. and prayed for the reliefs mentioned in paragraph 8 which is reproduced as under:-

"8.

- i) To declare and direct the respondents not to give any effect on the impugned order dated 6.2.97 at Annexure-A/4 till the disposal of the case.
- ii) To further direct upon the respondents that the applicant has a right to know the result of the said test of T.X.R. /II and it should be published before sending the panel forthwith.
- iii) To further direct upon the respondents that to produce all records and documents pertaining to this case before finalisation of this matter and a stay of operation of the order dated 6.2.97 may be granted and one post may be kept vacant for the applicant."

3. Mr. R.K. De, Id. counsel appears for the respondents and has produced records before us. The same may be kept in the record. The Id. counsel for the respondents has submitted that the applicant has directly come to the Tribunal without filing any representation regarding declaration of result before the respondent authorities. He, further submitted that the applicant has not made out any prayer of malafide on the part of the respondent authorities. The Id. counsel has further submitted that the point of reservation has also not been made out in the O.A. Therefore, the question of giving any relaxation in the selection process for any category of employee was not required. Against 9 vacancies announced 7 candidates were selected as the others did not fulfil the prescribed condition of securing 60% marks in the aggregate. He also submitted that total vacancies were announced as 6 for UR candidates, ²3 for SC candidates totalling 9. Against 3 SC vacancies ²3 ~~posts~~ of SC candidates were selected by the Selection Committee and out of the remaining candidates, one SC candidate and one ST candidate secured better marks ^{than me} ~~and~~ other UR candidates ^{and they ~~my~~} were included in the list as unreserved candidates and only two unreserved candidates were included in the final panel. Thus if there was a grievance it should be from the side of the UR candidates and not from the side of the SC candidates to which category the applicant belonged.

4. The Id. counsel for the applicant has stressed time and again that competitive examination ^{was} ~~was~~ decided to be held and vacancies were announced. Written test and viva-voce test were also held accordingly. It was the duty of the respondent authorities to publish the result after completion of the selection process, but the same was not done. The applicant has right to know the final outcome of the selection in which he appeared as a candidate and also qualified in the written test. On our specific query about the publication of the result, the Id. counsel for the respondents was not in a position to throw any light except ~~that~~ drawing our attention to Annexure-A/4 of the O.A. by which the list

of the successful candidates was intimated to the Principal for giving training to the candidates. The Id. counsel was informed that this particular communication was not meant for the applicant. Rather, it was an Intra Departmental communication from one office to another office.

5. Ld. counsel for the respondents ^{submitted} that successful candidates were informed about their selection. But the candidates who did not find place in the final selection were informed or not, he is not in a position to say categorically. But the applicant was not informed about the same as stated in paragraph 11 of the reply. From the records produced before us and the reply, there is no mention that the applicant was informed or the result of the selection was finally published.

6. The Id. counsel for the respondents has also produced before us the statement regarding selection as well as the copy of proceedings of the Selection Board. From the statement it is clear that the candidates were given marks for written test, for viva-voce test, for record of service, for seniority and personality factors. The marks of all these five factors were aggregated and final merit list was prepared. From the details produced before us which is duly signed by the Member of the Selection Board we find that the applicant secured 56.56 marks in the aggregate and thus he did not secure the minimum prescribed marks of 60% in the overall assessment and, therefore, he was not found ~~qualified~~ ^{qualified} in the selection. Barring the applicant, all the other candidates secured from 61.35% to 73.20% marks i.e. more than prescribed 60% and all these candidates have been included in the list enclosed as Annexure-A/4. The same fact has been recorded in the proceeding of the Selection Board, a copy of which has been produced before us. These two papers were also shown to the Id. counsel for the applicant who after perusal find that the applicant could not obtain the minimum prescribed marks and, therefore, could not be included in the final selected list. The Id. counsel for the applicant is satisfied with the records.

7. This is an individual case where the record relating to selection has been produced before us as well as the same has been shown to the Id. counsel for the applicant. But there are many other cases where this opportunity may not be available. We would like to urge upon the respondent authorities that wherever notification is issued for any selection either through direct method or through departmental method and prescribed examinations i.e written, viva-voce test are held, the final result of the same must be published for information of the candidates on a suitable notice board so that any candidate may go and see his result for satisfaction. This fact should also be stated in the notification of the vacancies so that the candidates do not suffer on this count.

8. In view of the above discussions we find that the applicant was not informed about the final result but still even if he would have been informed about the result that would not have materially affected the final position. We, therefore, disallow this application without passing any order as to cost.



Member (J)



Member(A)

a.k.c.