

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 423/97

TUESDAY, THIS THE 10TH DAY OF JUNE, 1997.

C O R A M:

HON'BLE MR. A. V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

N. Radhakrishnan
Carriage and Wagon Fitter Grade-III
Carriage & Wagon Superintendent's Office,
Mettur Dam, Southern Railway,
Palakkad Division.

..Applicant

By Advocate M/s P.Santhosh Kumar & T.A. Rajan

Vs.

1. Union of India represented by the
General Manager, Southern Railway,
Madras.
2. The Chief Personnel Officer,
Southern Railway, Madras.
3. The Divisional Railway Manager,
Southern Railway, Palakkad.
4. The Divisional Personnel Officer,
Southern Railway, Palakkad.

..Respondents

By Advocate Mr. K. Karthikeya Panicker

The application having been heard on 10.6.97, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is a Carriage & Wagon Fitter Grade-III applied for selection to the post of Train Examiner in the scale of Rs. 1400-2300 against 20% quota for promotion by competitive Examination pursuant to the notification dated 4.1.95. He qualified in the written examination but when the panel was prepared after viva voce, his name was not included in the panel but three others were empanelled. Stating that there are sufficient vacancies for appointing the applicant also, the applicant has filed this application praying that the respondents may be directed to appoint the applicant also on the basis of his selection to any of the vacancies which would arise between 4.5.95 and 20.11.97 and for a declaration that the applicant is eligible for selection

as Train Examiner which would fall between 4.5.95 and 20.11.97.

2. The respondents contend that as the applicant did not qualify in the viva voce, the three persons who qualified in the written test as well as in the viva voce were empanelled towards vacancies upto 30.11.97 and therefore, there is no merit in the claim of the applicant that he is entitled to be appointed to the post of Train Examiner.

3. On a perusal of the pleadings and after hearing the counsel on either side, we do not find any merit in the application. The applicant was not empanelled for the post of Train Examiner as he did not qualify the viva voce. The contention of the applicant that there are more posts, though not relevant, has also been negatived in the reply statement by the respondents. It is also seen from Annexure A3 that vacancies upto 30.11.97 have already been taken into account.

4. In the light of the above facts and circumstances, we do not find any merit in the application which is rejected under Section 19(3) of the Administrative Tribunals' Act, 1985. No costs.

Dated the 10th June, 1997.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

kmn



A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURE

Annexure A3: True copy of the order
No.J/P.535/V/1/Vol.XVI
dated 4.1.95 of the
4th respondent.

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