

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCHO. A. No.
~~XXXXXX~~

439/91 199

DATE OF DECISION 18-3-91P Annamalai

Applicant (s)

Mr P Sivan Pillai

Advocate for the Applicant (s)

Versus

Union of India rep. by the
General Manager, Southern Railway, Respondent (s)
Madras-3 and others.Mrs Sumathi Dandapani

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. To be circulated to all Benches of the Tribunal? ✗

JUDGEMENTShri NV Krishnan, AM

The applicant is an Assistant Personnel Officer (Mech) in Trivandrum on an ad-hoc basis. He submits that for the post of Assistant Personnel Officers against 70% quota, a written examination was held as part of the selection on 29.12.90 and 20.1.91. The applicant submits that he was confident of securing sufficiently high marks so as to be included in the panel of persons to be considered for final selection. However, when the impugned Annexure A2 communication dated 25.2.91 was received, he found that though there are 109 names included in the list, his name does not appear therein. He, therefore, submitted a representation dated 6.3.91, to the General Manager, Southern Railway requesting that, for the detailed reasons mentioned in that representation, his answer papers may be called

for a check, alongwith the answer papers of Respondents 4 to 6 about whom it is alleged in the representation that they sat in the examination for only a few minutes.

2 When the case came up for admission, the learned counsel for the applicant pointed out that the representation has been filed in pursuance of the instructions issued by the Department governing the promotions from Group C to Group B cadre (Annexure A4) wherein, at para 17 it is stated that representations against selection should ^{be} dealt with without raising the issue of limitation, thus implying that a representation can be filed.

3 The applicant has, therefore, prayed for the reliefs as under:

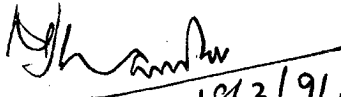
- (i) To call for the records leading to the issue of Annexure A2 and quash the same so far as it excludes the name of the applicant.
- (ii) To direct the respondents to arrange for the re-valuation of the applicant's answer papers in accordance with the instructions in Annexure A5 and in comparison with the performance of R4 to R6 in the written examination and consider the applicant also for promotion to the post of Asstt. Personnel Officer.
- (iii) To issue such other orders or directions as deemed fit and necessary by this Hon'ble Tribunal in the facts and circumstances of this case.


4 Having heard the counsel for the applicant as well as the counsel for Respondents 1-3 we admitted the application.

As we are of the view that this matter can be disposed of by the issue of suitable directions, straightaway we proceed to do so without waiting for other

procedures to be completed. ~~by the issue of suitable directions~~

5. The applicant has made a representation which is at Annexure A3. Though it is not clear whether it has been sent by Registered Post or not, yet, the Respondents have ^{now received} ~~not received~~ a copy thereof with the application. In view of para 17 of the instructions at Annexure A4, this representation has to be considered by Respondent-1. Therefore, we are of the view that the interests of justice will be served if the first respondent is directed to dispose of the representation dated 6.3.91 at Annexure A3, in accordance with law, within a period of one month from the date of receipt of this order. We do so and we further direct that in case the representation is considered and the Respondent-1 finds that the applicant's name ought to have been included in the Annexure A2 list, the applicant's case for selection should be considered further separately and in addition, in case he has been reverted in the meantime, his position as ad-hoc Assistant Personnel Officer should also be restored immediately pending the holding of viva-voce test.


(N Dharmadan)
Judicial Member


(NV Krishnan)
Administrative Member