

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION: 7-12-1989

• PRESENT

HON'BLE SHRI S.P.MUKERJI, VICE CHAIRMAN
&
HON'BLE SHRI A.V.HARIDASAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO.488/89

Mary Stella Rodrigues - Applicant

v.

1. Union of India represented by the General Manager, Southern Railway, Madras.
2. The Divisional Railway Manager, Southern Railway, Palghat.
3. The Division Medical Officer, (Division), Southern Railway, Palghat.
4. The Senior Divisional Personnel Officer, Southern Railway, Palghat.
5. Senior Divisional Engineer(East) Southern Railway, Palghat.
6. C.S.Narayana Swami, Chief Clerk (Officiating), Works Branch, Palghat Division, Southern Railway, Palghat.

M/s S.Venkata Subramanya Ayyar & - Counsel of the
Giri.V. applicant

M/s MC Cherian,&Saramma Cherian - Counsel of the
respondent 1-5

Mr P Santhoshkumar - Counsel of the
respondent-6

O_R_D_E_R

(SHRI S.P.MUKERJI, VICE CHAIRMAN)

We have heard the arguments of the learned counsel
for both the parties and gone through the documents.

In this application, the applicant who has been working
as Head Clerk is aggrieved by her non-selection for the

post of Chief Clerk in the selection held in 1988.

The selection is made on the basis of suitability-cum-seniority. The suitability is assessed on the basis of

35 marks allotted for written test and those who get

60% marks in the written test are called for interview.

Additionally

for which 15 marks are allotted for senior persons who

do

and

do not get 60% in the written test, ¹⁵ additional marks are

do

allotted for seniority upto 15 and only those who obtain

30 marks and above on the basis of written test and

PP

seniority are called for interview. The contention of

in 1987

the learned counsel for the applicant is that the

applicant had qualified in the written test and called

was

for interview and was included in the panel, but could

not be promoted because of shortage of vacancies in

the

1987. In 1988 test, ^{she} was not even called for interview

and she has a suspicion that ^{she} was not given proper marks

for his written test and seniority. She has not alleged

any malafides or vindictiveness on the part of those who

are associated with the selection process.

2. Ordinarily, this Tribunal is not expected to

go into the reassessment of the candidates. However,

in order to reassure ourselves, we went through the

answers

necessary papers of the applicant which were produced

by the learned counsel for the respondents. We are

satisfied that all the answers, both in the narrative

2

papers as well as in the objective paper had been marked and the totalling was correct. The applicant was given

15 marks in the written test and 13 marks for the

seniority which the applicant ^{herself} ~~herself~~ had claimed.

The total being 28 marks, she fell short of 30 marks which she should have ~~been~~ obtained to qualify for being interviewed. We allowed the learned counsel for the applicant to go through ~~with~~ the answer papers of the applicant and he was satisfied that all the answers were marked and the totalling was correct.

3. In the circumstances, we see no merit in the application and dismiss the same without costs.



(A.V.HARIDASAN)
JUDICIAL MEMBER



(S.P.MUKERJI)
VICE CHAIRMAN

7-12-1989

trs

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION : 19TH JANUARY, 1990

CORAM

HON'BLE SHRI S.P. MUKERJI, VICE CHAIRMAN

And

HON'BLE SHRI A.V. HARIDASAN, JUDICIAL MEMBER

REVIEW APPLICATION NO.6/1990 IN

OA. 488/89

Smt. Mary Stella Rodrigues Review Applicant

Vs.

1. Union of India represented by the General Manager, Southern Railway, Madras.
2. The Divisional Railway Manager, Southern Railway, Palghat.
3. The Divisional Medical Officer, (Southern Railway, Palghat.
4. The Senior Divisional Personnel Officer, Southern Railway, Palghat.
5. Senior Divisional Engineer (East) Southern Railway, Palghat.
6. C.S.Narayana Swami, Chief Clerk (Officiating), Works Branch, Palghat Division, S.Railway, Palghat.

ORDER

Shri S.P.Mukherji, Vice Chairman

In this review application the original applicant has prayed that the order dated 7.12.89 passed in OA. 488/89 should be reviewed on the ground that her failure to qualify for interview ~~and~~ the selection test was due to the fact that she was not

had originally been posted in the Works Branch where she was appointed.

She was, on the other hand, deputed to General Branch as a result of which she could not do well in the written examination where the questions related to the Works Branch. She failed to qualify for viva-voce as she ~~has~~ got 28 instead of 30 marks in the written ^{our} test. We ^{are} afraid this cannot be considered to be a valid ground for review of our judgement as no error apparent on the face of record or new material has been brought out in the review application. She did not adduce any ground relating to her posting in the original application. In the circumstances, I feel that the review application should be rejected by circulation and there is no need to give a notice to the original respondents. If Hon'ble Member agrees, such an order will be pronounced in the Open Court.

Sarkar
(S.P. MUKERJI)
VICE CHAIRMAN

Hon'ble Shri A.V.Haridasan, Judicial Member.

I agree

Mukherji
11/1

Order pronounced in open court
today.

Mukherji
9.1.90

Sarkar
19.1.90