

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.492 of 1996

Wednesday, this the 1st day of May, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.C. Sebastian, S/o Chandy,
Head Train Examiner,
Southern Railway, Ernakulam Junction. .. Applicant

By Advocate Mr T.C. Govindaswamy.

Vs

1. Union of India through the
General Manager, Southern Railway,
Headquarters Office,
Park Town P.O., Madras-3.
2. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Madras-3.
3. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum -14.
4. The Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum -14.
5. Shri V. Balagopalan,
Chief Train Examiner, Southern Railway,
Trivandrum Central Railway Station,
Trivandrum. .. Respondents

By Advocate Mr George Joseph for Respondents 1 to 4.

The application having been heard on 1st May 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant, working as a Head Train Examiner and
aspiring to be a Chief Train Examiner, seeks a direction
to respondents to conduct a fresh selection for making

promotion to the post of Chief Train Examiner. In ground-5 of the application he states that the person selected (5th respondent):

".did not remain in the examination hall for more than 30 minutes even though the examination is of 3 hours duration ... He has been declared passed only on account of extraneous consideration and extreme favouritism ..."

The innuendo is that applicant wrote very well and for three hours or near three hours, that the 5th respondent wrote for only 30 minutes and got through by doubtful methods. We wonder how a self-professed diligent person writing the examination could have watched the duration taken by others to write the examination.

2. We issued notice to the Standing Counsel for respondents and heard him.
3. To ascertain the truth of the allegations we called for all the examination papers of all the candidates who took the examination. Applicant who claims to have done a good job, has not answered some of the questions and has left atleast five pages in the paper book blank. He has scored only 50 marks while the 5th respondent has scored 61 marks. We are not assessing the answers or the performance of candidates. We are only ascertaining the tenability of the allegations. A mere look at the material available shows that the performance of applicant was far below that of 5th respondent.

4. By making irresponsible allegations, applicant is trying to involve this Tribunal in the process of investigation, apparently feeling that he has nothing to lose, but everything to gain. Such speculative ventures cannot be permitted under the guise of judicial review. The application is entirely without merit and we dismiss the same with costs which we fix at Rs.500/- (Five hundred).

Dated the 1st May, 1996.


P V VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

P/1-5