

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.498/98

Tuesday the 31st day of March 1998.

CORAM

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

M.R. Sadanandan
S/o M.C.Raman
Electrical Fitter/Power
Grade-I, Southern Railway
Trichur
R/o Mulangil House, Madavana Post
Via Eriyadu, Kodungallur

...Applicant.

(By advocate Mr TCG Swamy)

Versus

1. The Chief Personnel Officer
Southern Railway
Headquarters Office
Madras - 3.

2. The Divisional Railway Manager
Southern Railway
Trivandrum Division
Trivandrum.

...Respondents.

(By advocate Mrs Sumathy Dandapani)

The application having been heard on 31.3.98, the Tribunal on the same day delivered the following:

ORDER

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

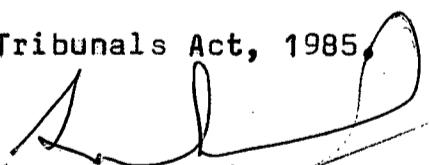
Applicant appeared for the written examination for selection and appointment to the post of Electrical Charge-man Grade 'B' in response to the notification dated 7.7.97. His grievance is that though he had done well in the written test, his name was not included in the panel of those who qualified to appear for viva voce. Therefore, he made a representation which is pending before the first respondent. The applicant has, therefore, filed this application for a direction to the first respondent to consider his representation dated 6.2.98 and to pass appropriate orders thereon and to direct the respondents to keep all

further proceedings pursuant to Annexure A-1 in abeyance pending final disposal of the representation.

2. After hearing the learned counsel for the applicant and the respondents and on a perusal of the application and the annexures thereto, we do not find any ground to entertain this application. The applicant is a participant in the selection process. The averment in the application that he has done exceedingly well in the written examination is made only on the basis of a subjective assessment. The applicant cannot be considered the best judge of his performance. It is the person entrusted with the valuation of the papers who has to evaluate the performance of all the participants. Since there is no allegation of malafides or irregularities on the part of the evaluator, we are of the considered view that the mere wishful thinking of the applicant that he had performed better than those who are placed in the panel does not give him any legitimate cause of action. If such claims are entertained, that is likely to open a flood gate of applications.

3. In the light of what is stated above, we do not find any reason to entertain the application. The application is rejected under Section 19 (3) of the Administrative

Tribunals Act, 1985.


(S.K. GHOSAL)
ADMINISTRATIVE MEMBER

aa.


(A.V. HARIDASAN)
VICE CHAIRMAN

List of Annexures

Annexure-A1: letter No.V/P.535/VIII/Etc.'B'/Vol.2
dated 2.12.97 issued by the Senior
Divisional Personnel Officer, Southern
Railway, Trivandrum.

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