

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA NOS. 488/00, 513/00, 517/00, 518/00 & 519/00

Friday, this the 7th day of June, 2002.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

OA No.488/2000

1. C. Somasundaran,
Station Master Grade I(adhoc),
(Deputy Station Superintendent),
Southern Railway,
Coimbatore Junction,
Coimbatore.
2. C.C. Sampath Kumar,
Station Master Grade I/
Deputy Station Superintendent(adhoc),
Coimbatore Junction,
Coimbatore.

... Applicants

(By Advocate Mr. T.C. Govindaswamy)

Vs

1. Union of India, rep. by the
General Manager,
Southern Railway,
Madras.
2. The Chief Personnel Officer,
Southern Railway,
Madras-3.
3. The Divisional Railway Manager,
Southern Railway,
Palghat.
4. The Senior Divisional Personnel Officer,
Southern Railway,
Palghat.

... Respondents

(By Mrs. Rajeswari Krishnan)

OA No.513/2000

N. Ramaraj, S/o Naganaya Gowder,
Station Master Grade I(adhoc),
Anagut Railway Station and P.O.,
Permanent Address : No.63-D,
Uma Shankar Nilayam,
L.S. Puram, Mettupalayam,
Pin - 641301, Tamilnadu.

... Applicant

(By Advocate Mr. T.C. Govindaswamy)

Vs



1. Union of India, rep. by the General Manager, Southern Railway, Madras-3.
2. The Chief Personnel Officer, Southern Railway, Madras-3.
3. The Divisional Railway Manager, Southern Railway, Palghat Division, Palghat.
4. The Senior Divisional Personnel Officer, Southern Railway, Palghat Divisions, Palghat.
5. K.J. Johnson, Station Master, Southern Railway, Shoranur.
6. Safnial Basra, Station Master, Southern Railway, Bommidi.
7. M. Krishnan Kutty, Station Master, Southern Railway, Pattambi.
8. A. Madhavan, Station Master, Southern Railway, O/o Deputy Chief Engineer, Railway Electrification, Trichur.
9. C.H. Ibrahim, Station Master, Southern Railway,
10. C. Padmanabhan, Station Master, Southern Railway, Coimbatore.
11. P.M. Ramkrishnan, Station Master, Southern Railway, Etakkot.
12. M.G. Remesh Panicker, Station Master, Southern Railway, Tiruppur.
13. K.R. Janardhanan, Station Master, Southern Railway, Kadalundi.



14. T.E. Aravindan,
Station Master,
Southern Railway,
Kazargod.
15. V. Venkatachalam,
Station Master,
Southern Railway,
Shoranur.
16. M.P. Radhakrishnan,
Station Master,
Southern Railway,
Valapattanam.
17. P. Vijayakumar,
Station Master,
Southern Railway,
Traffic Inspector/Planning,
Palghat.
18. T. Mohammed Basheer,
Station Master,
Southern Railway,
Palghat.
19. C. Mohan,
Station Master,
Southern Railway,
Walayar.
20. P.C. Zacharia,
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Southern Railway,
Coimbatore North.
21. T. Ravindranathan,
Station Master,
Southern Railway,
Madukkarai.
22. G. Suria Kumaran,
Station Master,
Southern Railway,
Uthukkuli.
23. S. Rajagopalan,
Station Master,
Southern Railway,
Perundarai.
24. K. Balakrishnan,
Station Master,
Southern Railway,
Elathur.
25. C. Gopalakrishnan,
Station Master,
Southern Railway,
Mannanur.
26. Gomen Thomas,
Assistant Programmer,
(Electronic Data Processing Machine),
Southern Railway,
Palghat.



27. E. Janardhanan,
Station Master,
Southern Railway,
Karuppur.
28. K.R. Reghunathan,
Chief Vigilance Inspector,
Headquarters Office,
Southern Railway,
Madras-3.
29. M. Jayarajan,
Station Master,
Southern Railway,
Neeleswaram.
30. B. Padmanabhan,
Station Master,
Southern Railway,
Karur.
31. G. Angappan,
Station Master,
Southern Railway,
Mettur Dam.
32. A.R. Raman,
Station Master,
Southern Railway,
Morappur.
33. R. Venkatesan,
Station Master,
Southern Railway,
Elamanur.
34. C. Deenadayalan,
Station Master,
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Muthurasanallur.
35. P. Narayanan,
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Southern Railway,
Peelamedu.
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37. P. Gangadharan,
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38. T.P. Surendran,
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39. V. Haridasan,
Station Master,
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Kadalundi.



40. T. Venugopalan,
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41. M. Subramanian,
Traffic Inspector,
Salem Junction,
Salem.
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43. M.K. Shylendran,
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44. T. Ratheeshah,
(Safety Counsellor),
Station Master,
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45. M. Manikkan,
Station Master,
Southern Railway,
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46. R. Balasubramanian,
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Erode.
47. R. Senthil Kumar,
Station Master,
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Pelamedu.
48. Shailendra Kendara,
Station Master,
Southern Railway,
Mayanoor.
49. R. Rajamaickam,
Station Master,
Southern Railway,
Salem Junction,
Salem.
50. D. Rajan,
Station Master,
Southern Railway,
Thalassery.
51. V. Selvaraj,
Station Master,
Southern Railway,
Salem Junction,
Salem.



52. N. Thankaraj,
Station Master,
Southern Railway,
Mettur Dam.

53. C.N. Jayadevan,
Station Master,
Southern Railway,
Etakkot.

... Respondents

[Mr. Thomas Mathew Nellimootttil(R 1-4)

[Mr. M.R. Rajendran Nair(R 10, 11, 17, 19, 21, 22, 28, 30, 35, 37, 38, 42, 43, 44 & 53)]

OA 517/2000

K. Gopinathan Pillai,
S/o Late T.S. Kesavan Pillai,
Station Master I(adhoc),
Southern Railway,
Elathur Railway Station and P.O.,
Calicut District, residing at
Sree Sadan, Kohinoor,
Thenjipalam,
Malappuram District.

... Applicant

(By Advocate Mr. T.C. Govindaswamy)

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General Manager,
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Palghat Divisions,
Palghat.
5. K.J. Johnson,
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6. Safniel Basra,
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Southern Railway,
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Station Master,
Southern Railway,
Pattambi.



8. A. Madhavan,
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O/o Deputy Chief Engineer,
Railway Electrification,
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Southern Railway,
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Station Master,
Southern Railway,
Traffic Inspector/Planning,
Palghat.
18. T. Mohammed Basheer,
Station Master,
Southern Railway,
Palghat.
19. C. Mohan,
Station Master,
Southern Railway,
Walayar.



20. P.C. Zacharia,
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Karur.
31. G. Angappan,
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Mettur Dam.
32. A.R. Raman,
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46. R. Balasubramanian,
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51. V. Selvaraj,
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Salem Junction,
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52. N. Thankaraj,
Station Master,
Southern Railway,
Mettur Dam.
53. C.N. Jayadevan,
Station Master,
Southern Railway,
Etakkot.

... Respondents

[Mr. Thomas Mathew Nellimootttil(R 1-4)
[Mr. M.R. Rajendran Nair(R 11, 43 & 53)]

OA No. 518/2000

1. T.K. Dinesan,
S/o T. Krishnan,
Station Master I(adhoc),
Southern Railway,
Tikkodi Railway Station,
Calicut District.
2. C. Emmanuel David,
S/o C.A. David,
Station Master I(adhoc),
Southern Railway,
Tikkodi Railway Station,
Calicut District.



3. P.K. Sivaprasad,
S/o G. Parameshwaran Nair,
Station Master II(adhoc),
Southern Railway,
Palghat.
4. K. Chacko,
S/o Kurien,
Station Master II,
Southern Railway,
Shoranur.

... Applicants

((By Advocate Mr. T.C. Govindaswamy)

Vs

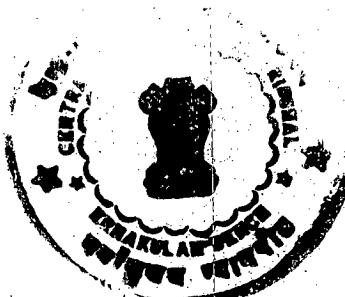
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Station Master,
Southern Railway,
Etakkot.

... Respondents

[By Mr. P. Haridas(R 1-4)
Mr. M.R. Rajendran Nair(R 11, 43 & 53)]

OA 519/2000

T.P. Damodaran,
Station Master Grade I,(adhoc),
Calicut Railway Station,
Calicut.

... Applicant

(By Advocate Mr. T.C. Govindaswamy)

vs

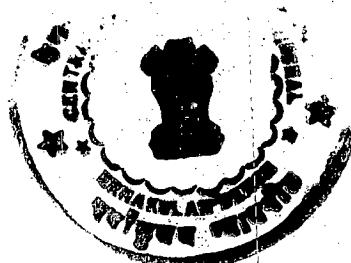
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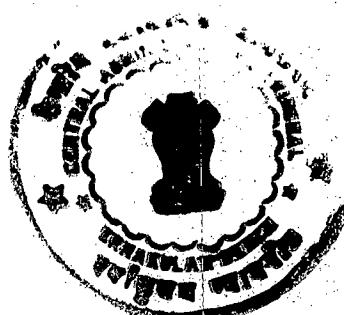
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Southern Railway,
Mettur Dam.
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Station Master,
Southern Railway,
Etakkot.

... Respondents

[By Mr. Thomas Mathew Nellimoottil (R 1-4)
Mr. M.R. Rajendran Nair (R 11, 43 & 53)]



The applications having been heard on 7.6.2002, the Tribunal on the same day delivered the following :

ORDER

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

The facts and the question of law involved in these cases are being similar and almost identical, the cases are being heard and disposed of by this common order. The facts of the individual cases are stated briefly as follows :-

OA 488/2000

2... The applicants 1 and 2 are holding the post of Station Master Grade II substantively and officiating as Station Master Grade I in the pay scale of Rs.6500-10500 on adhoc basis. The 2nd applicant is a member of the Scheduled Caste community. From the year 1994 onwards no selection was made for promotion to the post of Station Master Grade I. Although 12 vacancies were notified on 8.3.95, the applicants were also alerted for participating in the selection process the same was not further proceeded with and the vacancies were not filled up. Subsequently, a notification was issued on 18.2.99(A3) for selection to 52 vacancies of Station Master Grade I by alerting 139 eligible officials. The applicants were also among them. They participated in the written examination but in the list of persons found eligible for taking viva voce, having cleared the written test published on 5.4.2000(A5), the applicants names were not included. Therefore, the applicants have filed this application seeking to set aside A3 and A5, declaring that the entire process of selection is arbitrary,, discriminatory and unconstitutional, and for a direction to the respondents to conduct fresh selection on year wise basis, considering only those who are eligible to be considered for the vacancies which arose from 1994 to 1999. It is alleged in the application that



by clubbing of the vacancies, the applicants have been prejudiced, that the pre-promotional training given to the SC/ST prior to the holding of the examination was not sufficient as per rules, that the test being held in 7 different centres on 2 different dates were not uniform, that there had been a lot of malpractices and that the selection is therefore liable to be set aside as not having been done in accordance with rules. It has also been contended that the Selection Board was not properly constituted and that the question papers were neither set nor evaluated by officials as stipulated in the Railway Board's circular.

OA 513/2000

3. The applicant, who is holding the post of Station Master Grade II substantively and working on adhoc basis as Station Master Grade I has filed this application challenging the notification dated 18.2.1999(A2) for selection to the post of Station Master Grade I, the panel notified on 24.4.2000(A5) in which 49 persons are empanelled and the order dated 8.5.2000(A6) by which the applicant was reverted to the post of Station Master Grade II which he was holding substantively. It has been alleged in the application that in as much as an objective assessment was not made by the Selection Board, which was not properly constituted as the guidelines contained in the Railway Board's Circular No.53/98 dated 4.3.98 were not followed and as the question papers were neither set nor valued by officials as stipulated in the Railway Board Circular, the panel is vitiated and that the reversion of the applicant is not justified.

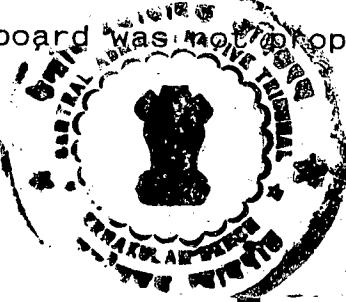


OA 517/2000

4. The applicant holding a post of Station Master Grade II, substantively and officiating as Station Master Grade I on adhoc basis, participated in the process of selection for appointment to the post of Station Master Grade I in the scale of Rs.6500-10500/-. He has filed this application challenging A5 panel notified on 24.4.2000(A5) in which 49 persons have been have been shown as selected for appointment to the post of Station Master Grade I as also A6 order by which as a consequence of regular selection, the applicant has been reverted to the substantive post of Station Master Grade II. It is alleged in the application that the selection process was vitiated that the committee was not properly constituted, that the question papers were neither set nor evaluated by officials as per rules, that the selection committee did not have two officials belonging to the the same department, and that the panel is invalid and inoperative. The applicant has also alleged that the A6 order is unsustainable.

OA 518/2000

5. The applicants four in number, who are holding the post of Station Master Grade II substantively and officiating on adhoc basis as Station Master Grade I participated in the process of selection pursuant to A2 notification dated 18.2.99, but failed to be selected as they did not qualify for viva voce. The applicants have therefore filed this application challenging A2 notification, A5 panel as also A6 order by which they were reverted to their substantive post of Station Master Grade II. It is alleged in the application that the notification itself is unsustainable as vacancies of various years have been clubbed together, that the selection board was not properly constituted



as the requirement of two officials from the same department has not been followed and that the test held in 7 different centres on 2 days were not uniform. With these allegations the applicants seek to set aside the impugned orders.

OA 519/2000

6. The applicant who is holding the post of Station master Grade II and officiating as Station Master Grade I on adhoc basis, participated in the process of selection for appointment to the post of Station master Grade I pursuant to notification A2 dated 18.2.99(A2). However, he did not qualify the viva-voce and was not placed in the panel of selected candidates notified on 24.4.2000(A5). As a consequence of the regular selection, by order A6 dated 8.5.2000, the applicant and others holding the post of Station Master Grade I on adhoc basis were reverted to the post of Station Master Grade II. The applicant therefore filed this application challenging A2, A5 and A6. It has been alleged in the application that by clubbing vacancies from 1995 onwards, the persons who were otherwise not come within the zone of consideration have been placed in the panel, that the selection board was not properly constituted as two officials from the same department were not included, that the committee included a senior scale officer while the requirement is that officers at the junior administrative grade alone should be there, that the question papers for examination held in 7 different centres on two days were neither set nor evaluated by officials as per rules, and that the applicant who belongs to the SC community was not imparted proper and necessary pre-promotional training as required in the circular of the Railway Board(A8) and that for all these reasons the selection is not sustainable in law.



7. In OA 488/00 persons whose names were included in the panel were not impleaded as respondents. In all other cases they were impleaded as respondents. The official respondents have filed a detailed reply statement in these cases. They have contended that the applicants are not entitled to challenge the selection panel having appeared in the examination without any demur. It has also been contended that the process of selection was held in full conformity with rules and the contention to the contrary contained in the applications is devoid of any merit. On behalf of private respondents in OA Nos. 513/00, 517/00, 518/00 and 519/00, a reply statement has been filed in OA 513/00 which has been adopted in all other cases. They have contended that the process of selection having been made in accordance with rules and the applicants having been subjected themselves to selection without raising any objection, and being unsuccessful in the selection are not entitled to challenge the panel. It is also contended that the examination were not held during 1994-98 on account of the interim order of this Tribunal in OA 1551/95.

8. We have carefully gone through the entire pleadings in these cases and heard Shri Martin, the learned counsel for the applicants, Shri Thomas Mathew Nellimootttil, Shri M.P. Krishnan Nair and Shri Renjith, the learned counsels appearing for the official respondents and Shri Hariraj, the learned counsel appearing for the private respondents in these cases. On a careful scrutiny of the pleadings and materials placed on record, we do not find any valid cause of action for the applicants. The applicants in these cases had participated in the process of selection in response to the notification without any demur. If the constitution of the selection board was not proper, the applicants should have raised the contention at that time or immediately thereafter before the panel was prepared and published. The senior scale officials who have independent



charge can be members of the selection board as per instructions issued by the Railway Board. Although it has been alleged that the question papers were neither set nor evaluated by officials in terms of the instructions contained the circular of the Railway Board, the allegation has been made only on the basis of the alleged knowledge of the applicants, the source of which is not disclosed and they have not stated who evaluated the papers. The contention that the standard of question papers on two days in 7 centres were not uniform is also not substantiated. As far as the the contention that SC candidates were not given pre-promotional training before the selection, if the training given was not adequate and sufficient, the concerned applicant should have objected and participated in the selection under protest. This was not done. Therefore, having participated in the selection and having failed, the applicants are not entitled to challenge this selection. This position of law is well settled by a catena of rulings by the Apex Court. An authority for this position can be had in the decision of the Apex Court in Om Prakash Shukla Vs A.K. Shukla reported in AIR 1986 SC 1043.

9. In the light of what is stated above, we find no infirmity to the process of selection and therefore no occasion for interference. The reversion of the applicants in these cases cannot be faulted as they did not qualify the selection process and the selected persons have to be appointed.

10. In the result finding no merit, we dismiss all these applications without any order as to costs.

Dated the 7th June, 2002.

Sd/-
(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN



A P P E N D I X

O.A.488/2000

Applicants' Annexures:

1. A-1: True copy of notification No.J/P 608/VIII/SS/ Vol.II dated 8.3.95 issued by the 4th respondent.
2. A-2: True copy of Office order No.T 90/98 dated 15-9-98 issued by the 4th respondent.
3. A-3: True copy of order No.J/P 608/VIII/SS/Vol.III dated 18-2-99 issued by the 4th respondent.
4. A-4: True copy of notification No.J/P 608/VIII/SS/Vol.III dated 20.7.99 issued by the 4th respondent.
5. A-5: True copy of order No.J/P 608/VIII/SS/Vol.III dated 5-4-2000 issued by the 4th respondent.

O.A.513/2000

Applicant's Annexures:

1. A-1: A true copy of the Office Order Bearing No.T 90/98 dated 15.9.98 issued by the 4th respondent.
2. A-2: A true copy of the letter bearing No.J/P 608/VIII/SS/Vol.III of 18.2.99 issued by the 4th respondent.
3. A-3: A true copy of the order bearing No.J/P 608/VIII/SS/Vol.III dated 20.7.99 issued by the 4th respondent.
4. A-4: A true copy of the letter No.J/P 608/VIII/SS/Vol.III dated 5.4.2000 issued by the 4th respondent.
5. A-5: A true copy of the letter bearing No.J/P 608/VIII/SS/Vol.II dated 24.4.2000 issued by the 4th respondent.
6. A-6: A true copy of the Office order bearing No.T 28/2000 of 8.5.2000 issued by the 4th respondent.
7. A-7: A true copy of the R.B.E.No.53/98 dated 4.3.98 issued by the Railway Board.

O.A.517/2000

Applicant's Annexures:

1. A-1: A true copy of the Office Order Bearing No.T 90/98 dated 15.9.98 issued by the 4th respondent.
2. A-2: A true copy of the letter bearing No.J/P 608/VIII/SS/Vol.III of 18.2.99 issued by the 4th respondent.
3. A-3: A true copy of the order bearing No.J/P 608/VIII/SS/Vol.III dated 20.7.99 issued by the 4th respondent.
4. A-4: A true copy of the letter No.J/P 608/VIII/SS/Vol.III dated 5.4.2000 issued by the 4th respondent.
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6. A-6: A true copy of the Office order bearing No.T 28/2000 of 8.5.2000 issued by the 4th respondent.
7. A-7: A true copy of the R.B.E.No.53/98 dated 4.3.98 issued by the Railway Board.

....27/-



O.A.518/2000

Applicant's Annexures:

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3. A-3: A true copy of the order bearing No.J/P 608/VIII/SS/Vol.III dated 20.7.99 issued by the 4th respondent.
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6. A-6: A true copy of the Office order bearing No.T 28/2000 of 8.5.2000 issued by the 4th respondent.
7. A-7: A true copy of the R.B.E.No.53/98 dated 4.3.98 issued by the Railway Board.

O.A.519/2000

Applicant's Annexures:

1. A-1: A true copy of the Office Order Bearing No.T 90/98 dated 15.9.98 issued by the 4th respondent.
2. A-2: A true copy of the letter bearing No.J/P 608/VIII/SS/Vol.III of 18.2.99 issued by the 4th respondent.
3. A-3: A true copy of the order bearing No.J/P 608/VIII/SS/Vol.III dated 20.7.99 issued by the 4th respondent.
4. A-4: A true copy of the letter No.J/P 608/VIII/SS/Vol.III dated 5.4.2000 issued by the 4th respondent.
5. A-5: A true copy of the letter bearing No.J/P 608/VIII/SS/Vol.II dated 24.4.2000 issued by the 4th respondent.
6. A-6: A true copy of the Office order bearing No.T 28/2000 of 8.5.2000 issued by the 4th respondent.
7. A-7: A true copy of the R.B.E.No.53/98 dated 4.3.98 issued by the Railway Board.
8. A-8: A true copy of the R.B.E.No.174/97 dated 15.12.97 issued by the Railway Board.
9. A-9: A true copy of the representation dated 12.4.2000 addressed to the Divisional Personnel Officer, Palakkad.

npp
20.6.02

CERTIFIED TRUE COPY
Date 24.6.2002

Deputy Registrar

