

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.554/2001

Friday this the 24th day of August, 2001

CORAM

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

G.Jayakumar, Gangmate (Gang No.3 NEM)  
SSE/P.Way/Office, Thiruvananthapuram,  
residing at Sheeja Nilayam, Naduvathara,  
Vadacode, Perumpazhuthoor PO,  
Neyyattinkara.

..Applicant

(By Advocate Mr. V. Rajendran)  
V.

1. The Senior Divisional Personnel Officer,  
Divisional Office,  
Southern Railway, Trivandrum.
2. Union of India, represented by  
the Secretary, Ministry of  
Railways, Govt. of India,  
New Delhi.

..Respondents

(By Advocate Mr. KV Sachidanandan (rp)

The application having been heard on 24.8.2001, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Gangmate participated in the  
written test for selection and appointment to the post of  
Supervisor, Permanent Way. Though he participated in the  
written test, he was not called for viva-voce. Eight  
persons belonging to general category were called upon to  
participate in the viva voce. The applicant belongs to  
Scheduled Caste community. Aggrieved by the fact that  
in the call letter for viva-voce (A3) all candidates  
belonging to Scheduled Castes and Scheduled Tribe  
Communities have been left out while posts are reserved  
for SC/ST Communities and that those who were called for  
viva-voce include Ballast Train Checkers, the applicant

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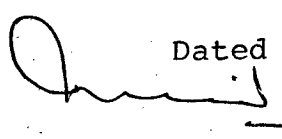
has filed this application for a direction to the 1st respondent to make appointment to the post of Supervisor, Permanent Way from among the candidates belonging to SC/ST, to modify the Annexure.A3 call letter including the candidates belonging to SC/ST and to consider the representation submitted by the applicant (Annexure.A4).


2. The respondents in their reply statement contend that as the applicant and other candidates belonging to SC/ST Communities did not secure the minimum required mark in the written examination which is 60%, their non-inclusion is perfectly in order and as per the rules. Regarding the inclusion of Ballast Train Checkers, it is contended that <sup>since</sup> they are persons who hold lien on the post of Gangman they come within the feeder category and that there is no illegality or infirmity in their inclusion.

3. After hearing the learned counsel on either side and on a perusal of the materials placed on record, we do not find any reason for interference in the matter. The applicant who did not get the minimum required mark of 60% for being called for viva-voce cannot simply because he belongs to S/C community xxxxxx make a claim that he should be included in the Annexure.A3 call letter. So long as the reserved vacancies are not being filled by general category candidates, no detriment is caused to the members of Scheduled Castes/Scheduled Tribes.

4. In the light of what is stated above, the application is dismissed in limine leaving the parties to bear their own costs.

Dated the 24th day of August, 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

.3.

List of Annexures in the Original Application.

Applicants' annexures.

Annexure.A1: True copy of letter No.V/P.608/I/Misc/Vol.III dated 27.6.2000 of the 1st respondent.

Annexure.A2: True extract of letter No.V/P.608/I/Misc/Vol.III dated 11.4.2001 of the 1st respondent.

Annexure.A3: True copy of letter No.V/P.608/I/Misc./Vol.III dated 13.6.2001 of the 1st respondent.

Annexure.A4: True copy of representation dated 20.6.2001 of the applicant.

Respondents' Annexures:

NIL

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