

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 555 199 3.

DATE OF DECISION 31.3.93

V. Dharmaraj Applicant (s)

Mr. P. Sivan Pillai Advocate for the Applicant (s)

Versus

Union of India through the Respondent (s)
General Manager, Southern Railway, Madras and others

Mr. Thomas Mathew Nellimoottil Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

The Hon'ble Mr. R. RANGARAJAN ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

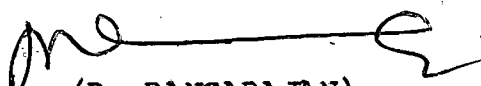
The applicant is aggrieved by the refusal of the respondents to call for the viva so as to appear for selection to the post of Goods Guard in the scale of Rs. 1200-2040.

2. According to the applicant he is at present working as Pointsman-A in the scale of Rs. 950-1500 at the Erode Railway Station and he is fully qualified and eligible to be appointed as Goods Guard if he is allowed to participate in a viva voce and is found to be fit for the post. He submitted Annexure-I application on 21.11.92 in reply to the letter dated 2.11.92 issued by the respondents inviting applications for filling up of 30 posts of Goods Guards. Considering the application, Annexure A-2 list was prepared

holding a viva voce test. Since the applicant's name was not included and some of his juniors were stated to have been included in the list prepared by the concerned authority, he filed Annexure A-3 on 25.3.93 requesting to include his name also. That representation was not considered and disposed of so far. Hence, he filed this application under section 19 of the Administrative Tribunals' Act mainly for a direction to the respondents to consider the case of the applicant for promotion to the post of Goods Guard by including his name also in the list for viva voce test.

3. At the time when the application came up for admission, we heard learned counsel for both parties. Having heard the counsel on both sides, we are of the view that this application can be disposed of at the admission stage itself with direction to the respondents. The allegation of the applicant is that his juniors who are in the feeder category are included in the list and if they are selected and appointed the applicant will be prejudiced and it ^{would cause injustice to him.} Hence, he may also be called for viva voce test.

4. If the applicant is fully qualified and eligible to be included in the list Annexure A-2, there is no justification in denying opportunity to appear for viva voce as per Annexure A-2. Hence, having regard to the facts and circumstances of the case, we direct the second and third respondents to include the applicant also in the list of candidates to be directed to appear for viva voce test for selection to the post of Goods Guard if he is otherwise suitable and eligible for the same ^{and the viva voce test is not already over.} The applicant's counsel submitted that the selection process has not been finalised and the applicant can also be considered for the viva voce. We record this submission and dispose of the application as indicated above. There will be no order as to costs.


(R. RANGARAJAN)
ADMINISTRATIVE MEMBER


(N. DHARMADAN)
JUDICIAL MEMBER

31.3.93

kmn