

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.60/2000

Monday this the 17th day of January, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

1. Biju Paul, Telecommunication Maintainer
Grade II, Southern Railway,
Railway Telephone Exchange, Ernakulam.
2. P.R.Udayakumar, Technician/II/Tele.
Test Room/PGT Divisional Office,
Southern Railway, Palakkad.
3. S.Gopakumar, Technician/II/Tele.
V.F.Repeater, Southern Railway,
Erode.
4. T.T.Rajest TCM/II, Railway Telephone Exchange,
Southern Railway, Quilon.
5. Sissy Thomas, Technician/Tele.Test Room
PGT, Southern Railway, Divisional
Office, Palakkad.Applicants

(By Advocate Mr.V. Rajendran)

V.

1. Chief Personnel Officer,
Southern Railway, Office of the
General Manager, Park Town, Madras.3.
2. Chief Communication Engineer,
Southern Railway,
Office of the General Manager,
Park Town, Madras.3.
3. Baby A.P. Wireless Instrument Mechanic/I
Test Room, Divisional Office,
Southern Railway, Palakkad.
4. Sajeev Kumar, Telecommunication Maintainer
I, Southern Railway, Telephone
Exchange, Palakkad.
5. Sayee Prasad K, Technician/II/
Tele. Repeater Station,
Southern Railway, Madras.
6. Shakkell Ahamed S.
Telecommunication Maintainer/
II, Southern Railway,
Railway Telephone Exchange,
Madras.
7. Pradeep C. Telecommunication
Maintainer/II/PRS Computer
Reservation Unit, Southern Railway,
Thirunelveli.

8. Union of India, represented by the
Secretary, Ministry of Railways,
New Delhi.

...Respondents

(By Advocate Mrs. Sumati Dandapani (rep.) (R.1,2&8)

The application having been heard on 17.1.2000, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicants who are working as Telecommunication Maintainer Grade II, Technician/II/Tele and Technician/ Tele. appeared for a departmental written examination for selection to the 20% quota for regular appointment as Junior Engineer/Tele/Gr.II. They were placed in the list of persons qualified for being called for the viva-voce. Their names are there in the list Annexure.A2. Their grievance is that when after the viva-voce a select list was prepared, their names have not been included. Apprehending that the selection has not been made on the basis of merit in the written test as promotion to make merely on the basis of seniority, the applicants have jointly filed this application impugning the A4 letter for a direction to the respondents 1&2 to draw up the select list for selection to the post of Junior Engineer/Tele/Gr.II on the basis of merit.

2. It is alleged in the application that the A2 list was prepared as against the usual practice in the alphabetical order. From A4 it is seen that the list has been prepared on the basis of seniority and that the applicants on this basis apprehend that their merit have been given a go-by and the A4 panel has been prepared only on the basis of seniority.

3. Going through the materials placed on record and on hearing Shri V.Rajendran, learned counsel of the applicants and Smt. Lakshmi Jayashanker appearing for the respondents, we do not find any reason for judicial intervention in the matter. Respondents 1&2 who are Chief Personnel Officer and Chief Communication Engineer are officials of fairly high level. There is no reason for us to presume that they are unaware of the meaning of selection by limited departmental examination or that they would depart from the rules. There is no allegation of malafides or colourable exercise of power. In this background, we find no legitimate grievance to the applicants which calls for admission of this application and further deliberation. The application is therefore, rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 17th day of January, 2000

J.L. Negi
J.L. NEGI
ADMINISTRATIVE MEMBER

A.V. Haridasan
A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to:

Annexure.A2: True copy of the list dated 7.12.99 of candidates called for the viva voce.

Annexure.A4: True copy of the list dated 6.1.2000 issued by the 1st respondent.