

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

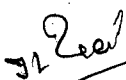
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

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  
ADMINISTRATIVE MEMBER



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.