

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.596/2000

Wednesday this the 3rd day of July, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER  
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.Prakash  
Peon  
Office of the Chief Works Manager  
(Signal & Telecommunications)  
Southern Railway  
Poddanur.

..Applicant

(By advocate Mr.T.A.Rajan)

1. Union of India rep. by  
The General Manager  
Southern Railway, Chennai.
2. The Divisional Railway Manager  
Southern Railway  
Palghat Division  
Palghat.
3. The Senior Divisional Personnel officer  
Southern Railway  
Palakkad.
4. A. Saraswathy  
Office Clerk through the  
Senior Divisional Personnel officer  
Southern Railway, Palakkad.

(By advocate Mrs.Rajeswari Krishnan R1-3)  
(Mr.Pramod Kumar R4)

The application having been heard on 3rd July, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant aggrieved by his non-inclusion in A-2 memo dated 17.8.98 issued by the 3rd respondent has filed this original Application seeking the following reliefs:

- i) Call for the records leading to A-2 and quash the same to the extent it includes the name of the 4th respondent.
- ii) Declare that the applicant is eligible and entitled to be included in A-2 in preference to the 4th respondent.



- iii) Direct the respondents 1 to 3 to include the name of the applicant in A-2 and promote him from the date of promotion of others in A-2 with all consequential benefits.
- iv) Pass such other further orders as this Hon'ble Tribunal may deem fit, just and proper.

2. Applicant was at the time of filing the Original Application working as Peon in the office of the Chief Works Manager (Signal & Telecommunications), Southern Railway, Poddanur, to which post he was appointed on 11.8.90. Third respondent by order dated 19.2.98 invited volunteers from Group D employees for filling up 8 vacancies of office clerks in scale Rs.3050-4590 against 33 1/3% of the post of office clerks. Out of 8, 2 were reserved SC, 1 was ST and the balance 5 were unreserved vacancies. The posts were to be filled up by conducting a selection which consisted of written examination and viva voce. Applicant volunteered for selection. He was called for a written examination which he attended on 21.3.98. A supplementary written examination was also conducted on 6.6.98. By A-1 letter dated 23.7.98 a list of 6 employees including the name of the applicant who had qualified in the written examination was published. In addition, one ST employee was declared as passed 'on relaxed standard' and 5 ST employees were declared passed 'as best among the failed'. All the 12 employees were directed to attend the viva voce to be held on 12.8.98 and on 17.8.98 the third respondent published A-2 panel. Not finding his name in the A-2 panel the applicant got aggrieved. According to the applicant the 4th respondent was appointed as peon in 1991 much after his appointment and that as per the rules the names of the selected candidates were to be arranged in the order of seniority. Since he was senior to 4th respondent and he



had done well his name should be included in the panel. According to him, his non-inclusion in the panel was arbitrary, unjust and illegal. He submitted A-3 representation to the 3rd respondent. The said representation had not been considered and hence he filed this OA seeking the above reliefs.

3. Respondents 1-3 filed reply statement resisting the claim of the applicant. They admit that the applicant is senior to the 4th respondent. They also admit that mere seniority would not make one eligible for placement in the selection panel. It was submitted that the selection committee had not selected him and placed him in the panel for promotion as clerk. No representation was received from the applicant in the office of the respondents. They averred that A-2 was published in accordance with the recommendations of the selection committee which was duly constituted and the same was legal and valid.

4. 4th respondent filed a separate reply statement.

5. Today when the OA came up for hearing, learned counsel for the respondents produced the selection proceedings file.

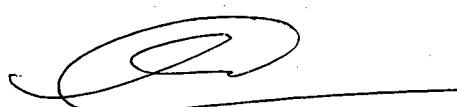
6. We have carefully considered the submissions made by the learned counsel for the parties and the rival pleadings as well as gone through the documents brought on record. We have also perused the selection proceedings file.

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7. The only ground on which the selection has been assailed by the applicant is that he had performed well in the selection and that he being senior to the 4th respondent, his name ought to have been included in the panel in preference to the 4th respondent. On a perusal of the selection proceedings file, we find that the panel had been framed in accordance with the seniority and the Selection Committee had not found the applicant suitable.

8. In the light of the above, there is nothing further to be gone into by this Tribunal. We do not find any merit in this OA and hold that the applicant is not entitled to any of the reliefs sought for. Accordingly, we dismiss this OA with no order as to costs.

Dated 3rd July, 2002.



K.V.SACHIDANANDAN  
JUDICIAL MEMBER



G.RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

aa.

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of order No.J/P.531/XII/Vol.8 dated, 23.7.98 issued by the 3rd respondent.
2. A-2 : True copy of order No.J/P 531/12/Vol.VIII dated, 17.8.98 of the 3rd respondent.
3. A-3 : True copy of applicant's representation dated, 3.11.1998 addressed to the 2nd respondent.

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