

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.205/1998

Tuesday this the 20th day of February, 2001

CORAM

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

C.Vembadi S/o N.Chinnathambi, Ballast Train Checker,  
Office of the Senior Section Engineer,  
Permanent Way, East, Southern Railway,  
Podanur, residing at Railway Quarters  
No. 166-A, Railway Colony, 20th Block,  
Podanur, Coimbatore District. ....Applicant

(By Advocate Mr. TC Govindaswamy)

V.

1. Union of India, represented by the Secretary to the Government of India, Ministry of Railways, Rail Bhavan, New Delhi.
2. The Chief Personnel Officer, Southern Railway, Headquarters Office, Park Town PO, Madras.3.
3. The Divisional Railway Manager, Southern Railway, Palghat Division, Palghat.
4. The Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.
5. P.Abdul Basheer, Works Mate, presently working as Ballast Train Controller, Southern Railway, Divisional Office, Palghat.
6. M.Sekharan, Works Mate, Southern Railway, Office of the Section Engineer (Works) Shoranur Railway Station, Shoranur.
7. K.Premardhanan, Works Mistry, Southern Railway, Palghat Division, Through the Divisional Personnel Officer, Palghat Division, Palghat. ....Respondents

(By Advocate Mrs. Sumati Dandpani (rep.) for R.1to4)  
Mr.T.A.Rajan, for R.5 to 7)

The application having been heard on 20.2.2001, 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 member of Scheduled Castes working as Ballast Train Checker has filed this application challenging the order dated 22.12.97 (A7) by which the 7th respondent a person belonging to Scheduled Caste Community was promoted as Works Mistry as the best among the Scheduled Caste Candidates who have failed in the test and also the promotion of Respondents 5 to 7 to the post of Works Mistry. It is alleged in the application that while promotion to the post of Works Mistry is being non-selection only one official should have been considered for one post as clarified in the letter of the Chief Personnel Officer (A8) the methods of selection adopted considering 76 candidates for three posts was irregular and unsustainable.

2. The official respondents as also respondents 5 to 7 have filed their detailed reply statement justifying the impugned action.

3, When the application came up for final hearing, learned counsel appearing for the applicant states that though he has raised several grounds in the application he is confining his argument only on Ground (g) which is based on Annexure.A8 letter of the Chief Personnel Officer which provides for consideration of one official against one vacancy in the case of appointment to non-selection posts.

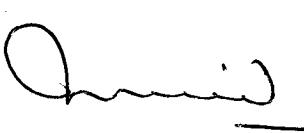
4. We have heard the learned counsel on either side.

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It is seen that the applicant without any demur participated in the selection process. His grievance then was that only the unreserved candidates were selected and none from the reserved category was selected as is seen from his representation Annexure.A4. Pursuant to Annexure.A4 the official respondents considered the appointment of the members of reserved community who failed in written test and viva voce and the 7th respondent who was found to be best among the lot was selected and appointed by Annexure.A7 order. The applicant having subjected to all these processes without any complaint or reservation cannot challenge the process finding that he has not been selected and appointed. Even for non-selection posts suitability has to be ascertained. It was finding that the applicant was not suitable that he was not selected.

5. The application is found to be devoid of merit and the same is dismissed leaving the parties to bear their own costs.

Dated the 20th day of February, 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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List of annexures referred to:

Annexure.A4:A true copy of the representation dated 22.2.97 submitted by the applicant to the third respondent.

Annexure.A7:A true copy of the letter No.J/P.282/IX/WM/Vol.III dated 22.12.97 issued by the fourth respondent.

Annexure.A8:A true copy of the Personnel Branch Circular No.J/PBC 170/97 dated 21.1.98 communicated by the fourth respondent.