

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.207/2003

Dated Monday this the 17th day of March, 2003.

C O R A M

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

K.P.Jayachandran
Senior Trackman
Section Engineer's Office
Southern Railway
Palakkad.

Applicant

(By advocate Mr.T.A.Rajan)

Versus

1. Union of India represented by
The General Manager
Southern Railway
Chennai.
2. The Divisional Railway Manager
Southern Railway
Palakkad.
3. The Divisional Personnel Officer
Southern Railway
Palakkad.
4. N.K.Vasudevan
Senior Gate Keeper
Office of the Section Engineer (Permanent Way)
Southern Railway
Angadippuram.

Respondents.

(By advocate Mrs.Rajeswari Krishnan)

The application having been heard on 17th March, 2003, the Tribunal on the same day delivered the following:


O R D E R

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

Applicant who is a Senior Trackman, participated in the process of selection for appointment to the post of Supervisor (Permanent Way) against 25% quota of limited departmental competitive examination. In the list of candidates qualified in the written examination, the applicant was at Sl.No.1. The applicant and 5 others who came out successful in the written examination were called for viva-voce test. In the resultant empanelment, the applicant's name was not included while the

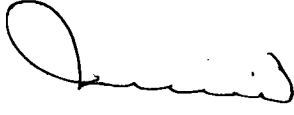
names of 4th respondent and another person were included. Alleging that the empanelment of the 4th respondent was not on the basis of merit but on the basis of seniority, the applicant made a representation dated 22.7.2002 to the 2nd respondent. Finding no response and aggrieved by his non-empanelment, the applicant has filed this application seeking to set aside A-6 panel to the extent it includes the name of the 4th respondent, to direct respondents 2 & 3 to prepare the panel for promotion to the post of Supervisor (Permanent Way) through Limited Departmental Competitive Examination, strictly on the basis of merit and for a direction to the respondents to promote persons from the said panel.

2. We have gone through the application and the annexures thereto and have heard the learned counsel on either side. A-6 panel is the result of a selection process which included a written test and viva voce. The fact that the applicant was at Sl.No.1 in the list of persons qualified in the written examination does not mean that he was the most meritorious person. The selection process would become complete after viva voce. In the resultant panel the applicant could not find a place. Official acts are presumed to be done properly unless there is reason to suspect that it has not been done so. No malafide has been alleged against the selection committee or any member of the committee. In these circumstances, we are of the considered view that there is no scope for admitting this application and for further adjudication.



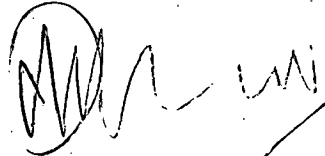
3. In the light of what is stated above, this application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 17th March, 2003.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN
VICE CHAIRMAN