

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.208/99

Tuesday this the 23rd day of February, 1999.

CORAM:

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

HON'BLE SHRI R.K.AHOOJA, MEMBER(A)

T.V.Gopakumar,
Points Man 'B',
Mangalore Railway station,
J/T 1937,
Mangalore.

..Applicant

(By Advocate Mr.Gopalakrishna Kurup)

vs.

1. Divisional Railway Manager,
Southern Railway,
Palghat.

2. Senior Divisional Personnel Officer,
Southern Railway,
Palghat.

..Respondents

(By Advocate Mr.Mathews J.Nedumpara)

The Application having been heard on 23.2.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant, a Pointsman 'B' in Mangalore Railway Station is aggrieved because though he participated in the selection process for appointment to the post of Ticket Collector and Train Clerk and did qualify for the viva voce, in the panel prepared (A-4) he has been excluded while many persons junior to him have been included. The applicant has alleged that having been called upon to appear in the viva voce, being successful by getting 60% marks in the written

examination and being one of the seniormost candidates, there was no reason why his name should not have been included in the panel. If the selection had been done in the proper manner the applicant would have been definitely in and therefore the panel is liable to be set aside, states the applicant. With the above said allegation the applicant has filed this application to set aside the impugned panel(A-4) and for a direction to the respondents to include him in the panel.

2. We have gone through the application and the connected papers in detail and have heard the arguments of the learned counsel for the applicant. Apart from stating that the respondents have not made a proper selection and that the applicant had performed at the viva voce extremely well, there is no allegation of any malafides or that any specific rule or instruction in regard to the selection has been violated. The relevant rule has been notified in the Southern Railway gazette on 21.11.1986. The methodology for making the selection has been clearly detailed in the said instructions and there is no allegation that any particular provision in the instruction has been infacted in the process of selection. Apart from a wishful thinking in the mind of the applicant that he has done extremely well at the viva voce, there is nothing in this application which would even cast a suspicion about the manner in which the propriety of the selection.

3. In the light of what is stated above finding nothing in this application which calls for further deliberations, the application is rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated the 23rd February, 1999.


R.K. AHOOGA
MEMBER(A)


A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURE

1. **Annexure A4: True copy of the list of candidates empaneled for promotion published by the 2nd respondent dated 16.12.98.**